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THE

MISCELLANEOUS WORKS,

IN PROSE AND VERSE,

OF

GEORGE HARDINGE, Esq.

M.A, F.R.S. F.S.A.

SENIOR JUSTICE OF THE COUNTIES OF BRECON,

GLAMORGAN, AND RADNOR.

IN THREE VOLUMES.

VOLUME I.

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PREFACE.

THE best apology for the presumption (and such I really consider it) of becoming the Editor of these Volumes, is the conviction that I am thereby fulfilling the inclination, and in many instances the injunction, of the learned and excellent Author; who, at different intervals during the last three years of his life, and after mature reflection, consigned to me a large portion of the materials, for the express purpose of publication.

One subject very near to his heart was, that I should print an elegant Edition of his Father's Latin Poems, accompanied by a well-digested "Essay on the Regency."—That wish has been gratefully accomplished; and the Volume, which is already before the Publick, needs not my commendation.

The articles which form the present Volumes were principally selected by himself. Some others, which he had specifically promised me, have been since obligingly communicated by his Brother, Sir RICHARD HARDINGE, Baronet; to whom, and to his Nephew, the Reverend CHARLES HARDINGE, I am happy thus publicly to express my obligations, and to return my hearty thanks.

Still, however, I have to regret the not being able to lay before my Readers the very valuable articles thus noticed in one of the latest Letters I received from Mr. HARDINGE: "I mean to give you (apart from Lord CAMDEN's Life) Memoirs of his wonderful

Father, Sir JOHN PRATT. They are finished, and wait your commands."

Of the Life of his own Father, which he meditated to have written at some length, nothing has been found but the slight Fragment prefixed to the "Latin Poems."

The Lives of his other truly eminent and honourable Relatives may probably be published hereafter:—but this depends on the decision of their Illustrious Descendant.

"It is well known," I use the words of a much-valued Correspondent, "that some of the last years of Mr. HARDINGE's life were occupied in the collecting and arrangement of materials for that purpose; and those who recollect the spirit and prompt facility which quickened all his exertions of a Literary nature, will not be at a loss to guess at the zeal and intrepid devotion with which he would sit down to this most interesting of all occupations. We may venture, methinks, to utter a word of prophecy, and say, '*Materiem æquabit opus!*'—Among the numerous Friends and Correspondents of Mr. HARDINGE was the late Bishop WATSON, whose powerful intellect, discernible in every thing that he wrote (whatever may be thought of the temper of his Political opinions), will triumph over Time, and command the admiration of a distant posterity. In the Anecdotes of his Lordship's Life, lately published, are scattered several Letters to Mr. HARDINGE; and the Bishop commences one of them with a judgment on the Work about which his Classical Friend was at that time employing himself."

Of Mr. HARDINGE's talents for Biography, his Memoirs of Mr. WRAY, and of Dr. DAVIES, in the "Illustrations of Literary History," and the Characters delineated in the Eighth Volume of the "Literary Anecdotes," are delightful specimens.

But of all the productions of his pen he was pre-eminently happy in his FAMILIAR LETTERS; an assertion fully corroborated by several of them which grace the Third Volume of "Illustrations;" and by a few which will be found in the present Volumes.

His "CHARGES," in general, display a feeling and a benevolent heart. They are replete with manly sense, sound patriotism, and judicial discrimination.

The "SERMONS BY A LAYMAN" are evident demonstrations of orthodoxy and unaffected piety.

The SPEECH in Defence of Sir THOMAS RUMBOLD, and that on Mr. FOX's INDIA BILL (which he considered as his own *chef-d'œuvre)*, are master-pieces of forensic eloquence.

The POETRY has been selected from a much more considerable number, principally *marked* by himself for publication.

Of these, the Sonnets are particularly neat; the Tales and lighter Poems facetious; and the Poems of a serious nature pleasingly impressive.

His Complimentary Verses are the undisguised effusions of his heart. — It must be acknowledged, however, that he had somewhat "too much of satire in his vein;" but of that species of composition by far the greater portion is suppressed. Though fully sensible of his own superior talents, he was

not less aware of his foibles; and, if he occasionally laughed at the *peccadillos* of his friends, he never spared his own.

In his Translations, both from the Antients and Moderns, the spirit of the Original is transfused, and happily applied.

His ALCAICS and IAMBICS are sufficient to form an ample Volume. But, should they ever be given to the Publick, it must be under the superintendence of an Editor far more competent to decide on their merits than the Individual who now holds the pen. On this head Mr. HARDINGE intended, had he lived, to have taken the advice of two eminently learned Friends — Dr. HUNTINGFORD, Bishop of EXETER; and Dr. GODDARD, Provost of ETON.

Though the Third Volume is strictly Miscellaneous, it bears abundant marks of critical acumen, and of a firm attachment to his Sovereign and the Constitution. But unfortunately, from the scattered manner in which he preserved his literary bantlings, some of them, though actually completed, are now no more than fragments.

I have not been able to obtain a copy of Mr. HARDINGE's memorable Speech at *Warwick*, in 1792, when employed, as Counsel for the Hundred, to plead in mitigation of the damages claimed by Dr. PRIESTLEY, whose name as a Philosopher confers honour on his native Country.—"This Speech is extant in some hands," he says in one of his Letters, "but I am not sure if it is in mine."

"An Essay on Measure for Measure," which was written in 1813, Mr. Hardinge carried with him, on one of his Circuits, into *Wales*; where a much-valued Friend of his recollects reading it, and was wonderfully struck with it. But it was afterwards either lent to some other Friend, or lost.

Two separate Essays, occasioned by Publications of Mr. Walpole, one of them dissenting from that elegant Writer on the Character of Richard the Third—the other on the conduct of Mr. Walpole to Chatterton—were completed by Mr. Hardinge; but I have found only a small fragment of either.

In a recent publication, which was graced by no small portion of Mr. Hardinge's Epistolary Correspondence, I endeavoured to pay a last slight tribute to the memory of one whose pleasure seemed chiefly to arise from the communication of it to others, and whose researches had for the most part in view the improvement and benefit of mankind. And the present Work would be incomplete, if I were not here to repeat the substance of that Memoir.

The animating spirit of Friendship is gratified by throwing any light into the minds of those who love to dwell on the records of departed worth.

Dec. 12, 1818. J. NICHOLS.

GEORGE HARDINGE, Esq. eldest surviving son of NICHOLAS HARDINGE, Esq. by JANE, fifth daughter of Sir JOHN PRATT, Chief Justice of the King's Bench from 1718 to 1724 (the second daughter by a second wife, and sister to the first Earl CAMDEN), was born June 22, 1744, at *Canbury*, a manor-house in *Kingston-upon-Thames*, of which his Father had become possessed on the death of a Cousin of his own name.

Mr. *Nicholas Hardinge* died April 9, 1758*; when *George*, then not fourteen years of age, succeeded to the paternal estate.

Ennobled by a line of Ancestry who were Gentlemen in the antient acceptation of that title, Mr. *George Hardinge* reflected back on them the Hereditary Honours of his Birth, with the additional lustre which benevolence and integrity of life are capable of affording.

* The following lines were written by his Son:

"Ingenio felix—vitâ probus—artibus ornans
Otia dilectis—*Pieridum*que comes;
Virgilium spirans, et *Horatî* pollice ludens,
In sua, *Romanæ* transtulit arma lyræ.
Prolis amans castæque domûs, cui favet amanti
Nupta *Venus*, fidis clara ministeriis.
Idem acer patriæ custos, rigidusque satelles,
Officii vindex, propositique tenax.
Hæc inter, discinctus amicis, Attica cessit
Otia, limatis non inimica jocis.
In rure ornando pulcri arbiter, indice nullo,
Judicii fretus lumine fatidico.
Abrepti ex oculis mutus lapis obtegit umbram:
Nos longè sequimur—nec tamen immemores."

After some previous education at home, and also under the care of Mr. *Woodeson*, a respectable School-master at *Kingston*, Mr. *Hardinge* was sent to *Eton*, where Dr. *Barnard** then presided; and such was

* That Mr. *Hardinge* retained to the last the highest veneration for this justly-celebrated Tutor, is evident from the affectionate mention of him in the "Literary Anecdotes," vol. VIII. p. 543; from which one extract, as connected with Mr. *Hardinge's* personal history, shall here be given: "A whimsical adventure occurred after *Barnard* had become the Master, which I may as well relate in this place. The scene is present before me, as if it happened the day before yesterday. I am in part the Hero of the tale; but, as I am the Hero of its ridicule, the egotism will be forgiven. — We took up, in the boarding-house, a rage for acting Plays; and amongst them was that of *Cato, whom I was to personate!* But I despaired of a *likeness*, till I could obtain a suitable wig, having formed the idea from *Pope:*

'*Cato's long wig*, flower'd gown, and lacker'd chair.'

With some difficulty, a cast-off and *scare-crow* volume of hair, which had once been venerable, was engaged under prime cost; but was to be made practicable by the hair-dresser, who was to see his wig upon my head for his pains. Many were invited under the rose, and some ladies. The parts were studied, and the effect was thundering applause; whether to laugh at us, or admire us, I leave unexplored. — In the midst of my harangue to the Mutineers, who were all the rabble we could find, *Barnard*, with dignity *emulating mine*, advanced upon the scene. All the world fled—I alone remained firm to my part—he tore my wig and gown without mercy, from *the Patriot* whom they had *become so well*, and hung them up as trophies in his room. Telling this adventure to his visitors, he received amongst them *Burton*, the Vice-provost, who knew his wig, and claimed it from the wig-maker, 'who had made it,' he said, 'as good as new.' — This anecdote lasted *Barnard* for a month. *Cato* and the Vice-provost shared the ridicule, which convulsed the boys with laughter at our expence."

the reputation of this celebrated Master, that he increased the number of his Scholars from three to five hundred; while the rival establishment of Dr. *Markham* at *Westminster* was stationary.

From *Eton* he was, in January 1761, admitted Pensioner at *Trinity College, Cambridge* *, under the Rev. *Stephen Whisson*; where he particularly distinguished himself in the Gratulations of the University on the public events of three successive years, 1761, 1762, 1763—the King's Marriage, the Birth of the Prince of *Wales*, and the Peace of *Paris*.

In this excellent Seat of Learning, Mr. *Hardinge* very diligently pursued the regular course of study; though, according to his own account, not unaccompanied by some trivial youthful irregularities.

The following observation on the mind of his Tutor evinces an early penetration into characters; and the deduction made by Mr. *Hardinge* appears just: "When I was at College, I committed a fault of spirit enough to justify a pathetic Tutor of the College in this affecting address: 'Remember me, Sir, it is easy to preserve a good character; but nothing is more difficult than to retrieve it.' I loved the man; and the *Chesterfield agrément* of his *preface* half melted away the defiance of the sinner. But, unfortunately, after I had begun to repent, he called me to him again, 'Your *band!* Sir, your *band!*

* "1761, Jan. 14. Admissus est Pensionarius, *Georgius* Filius *Nicolai Hardinge*, de *Kingston*, in comitatu *Surriæ*; è Schola *Etonensi*, sub Præsidio Doctoris *Barnard*, ann. nat. 17. Magistro *Whisson*, Coll. Tutore." *Book of Admissions of Trinity College.*

only half appears; pull out the rest!' Alas! there was no residue to come; it had been torn off by some accident or other. He looked at me tenderly, and said, '*Remember*, Sir,' &c. &c. the same words over again. From that moment I held him cheap, as *wanting* light and shade."

Mr. *Hardinge* was afterwards for a short time under the tuition of Dr. *Watson*, subsequently Bishop of *Landaff*; but he seems to have taken no *B. A.* Degree; which, in the regular way, would have been in 1765; but to have delayed for some years taking any Degree at all, and to have passed on at once to his *M. A.* Degree, in 1769, by *Royal Mandate*; a privilege in which it is probable that he was indulged in consequence of his Relationship to the first Lord *Camden*—a privilege not now allowed.

Like his Uncle, he aspired to be Chancellor; and in the same year, June 9, he was accordingly called to the Bar, by the Society of the *Middle Temple*; and obtained a silk gown, with a patent of *precedence*. This enabled him to take Briefs against, as well as for the Crown; and, as he already possessed an uncommon reputation for eloquence, he began to obtain a considerable degree of practice at *Nisi Prius*.

In the same year he obtained, by the powerful interest of Lord *Camden*, and the assistance of his Friend Mr. *Dyson*, an Act of Parliament for new-modeling the Vicarage of *Kingston*; which had formerly included, not only the Mother Church, but also the Chapels, or Curacies, of *Richmond*, *Kew*, *Petersham*, *Thames Ditton*, and *Moulsey*.—This

produced a bitter attack from the late *Gilbert Wakefield*, in the first Edition of his own Life; but it was omitted in the second Edition *.

In November 1769 he was elected a Fellow of the Society of Antiquaries; and, notwithstanding his pursuits were of rather too gay a nature for the Bar, yet he addicted himself with great intensity of application to his regular professional avocations.

In 1771, he was deeply engaged in a Work of great Constitutional interest, which he continued to improve, and from time to time to submit it to his Friends, till 1772, under the title of "An Enquiry into the *Competency* and *Duty* of Juries in the case of a Public Libel, introduced by a more general Investigation of their *Competency* and *Duty* wherever *Law* and *Fact* are comprized in the general Issue."

Of this "Enquiry" only a small part of the "Introduction" has been found †. The work itself is probably alluded to in the following lines:

"ON BURNING A WORK OF MINE INTENDED FOR PUBLICATION.

"With laurel crown'd for murders in the field,
Or mercenary victims of the sword;
Whose fear of shame the *Hero's* arms could wield,
And brav'd in mask the peril you deplor'd!
The *Author*—who could sacrifice *his* claim,
—A Culprit sentenc'd by his own *Review*;—
Puts Verse or Prose into the *secret* flame,
Is more a *Hero at the heart* than you."

* See Mr. *Hardinge's* very candid Narrative of the circumstance, in the "Literary Anecdotes, vol. VIII, p. 514.

† This is printed in vol. III. p. 354.

In 1776 he presented the Rev. *James Andrews* to the Vicarage of *Kingston;* on whose resignation, in 1778, he had the satisfaction of presenting his own Brother, the Rev. *Henry Hardinge.*

In the Long Vacation of 1776, Mr. *Hardinge* made a Tour through *France* and *Switzerland* *, of which he has left an interesting account in MS.

On his return, he appears to have cultivated the Muses with more assiduity than the "Year Books." He continued, however, to dedicate a considerable portion of his time to professional studies; and, during his residence at the *Temple*, became acquainted with a great Constitutional Lawyer, who wished to allure him from the flowery and deceitful paths of pleasure, and point his views to great, noble, and useful objects.

Among the few MSS. which Mr. *Hardinge* carefully preserved was the following very elegant

* One of Mr. *Hardinge's* early Friends was Lady *Gray*, mother of the late Sir *Charles Gray*, K. B. This amiable Lady almost reached the age of 100. "She was," says Mr. *Hardinge*, "the handsomest old woman I ever saw, and her complexion at 90 was that of a beautifully fair girl in her teens. Her spirits were astonishing; and she was the best company imaginable. I visited her at *Denhill*, when I was a young man. She heard me lament that I was too poor to sail across the Channel, and then ride (for I had my horses with me) to *The Hague*. The next morning she came down stairs to me, with a purse in her hand, 'There,' said she, 'go and hang yourself.' It contained fifty guineas. I fell at her feet; and the following day was at *Calais;* proceeded through *Lisle* and *Brussels* to *The Hague;* saw every thing and person that were my objects; and was her guest again in a month." See the "Literary Anecdotes," vol. VIII. p. 514.

Sonnet, addressed to him by the celebrated Mr. (afterwards Sir WILLIAM) JONES*:

"HARDINGE! whom *Camden's* voice, and *Camden's* fame,
To noble thoughts, and high attempts excite;
Whom thy learn'd Sire's well-polish'd lays invite,
To kindle in thy breast *Phœbean* flame:
Oh, rise! oh, emulate their lives, and claim
The glorious meed of many a studious night,
And many a day spent in asserting right,
Repressing wrong, and bringing fraud to shame!
Nor let the glare of Wealth, or Pleasure's bowers,
Allure thy fancy—think how *Tully* shone;
Think how *Demosthenes* with heavenly fire
Shook *Philip's* throne, and lighten'd o'er his towers.
What gave them strength?—not eloquence alone,
But minds elate above each low desire."

In 1777, October 20, Mr. *Hardinge* married *Lucy*, daughter and heiress of *Richard Long*, esq, of *Hinxton* in *Cambridgeshire;* and soon after became a resident in *Ragman's Castle*†, a pleasant cottage, situate in the meadows of *Twickenham*, exactly in front of the River.

This must be allowed to have been classic ground; for it was within a few hundred yards of *Pope's* villa; and here he confirmed the acquaintance

* Three short Letters to Mr. *Hardinge*, from the same ingenious Friend, may be seen in the Third Volume of this Collection, p. 447.

† In early times, the residence of Lady *Falkland;* afterwards of *John* Duke of *Montagu;* the Dowager Lady *Pembroke;* the celebrated Actress Mrs. *Pritchard;* the Earl of *Cholmondeley;* Lady *Bridget Lane;* and Sir *Charles Warwick Bampfield.*

which he had previously formed with two literary men, which tended to render this period of his life in no small degree pleasant.

One of his neighbours, Mr. *Owen Cambridge*, was, like himself, a Poet; and, like himself too, paid his court to the Muses to an extreme old age.

Mr. *Walpole* was the other, with whom he frequently dined, and spent the evening.

In April 1782 he had the honour of being appointed Solicitor General* to the Queen, at a period when other Counsel of the same standing were forced to be content with far inferior distinctions.

In 1783, when Sir *Thomas Rumbold*† was attacked on account of his supposed malversations in *India*, he found an able defender in Mr. *Hardinge*; and, when Mr. *Hastings* was brought to the Bar of the House of Lords, he warmly also advocated the cause of that highly respectable gentleman.

Mr. *Hardinge*, in his professional character, added his testimony to the general voice of the publick, in reprobating the tyrannical complexion and tendency of Mr. *Fox's East India* Bill; and one of his best Speeches‡ is that pronounced when he appeared at the Bar of the House of Lords, as Counsel for

* *Charles Ambler*, esq. his predecessor in that office, was at the same time appointed Her Majesty's Attorney General.

† Published that year, in 4to, under the title of "Defence of Sir *Thomas Rumbold*, Bart. as it was opened by his Counsel, Mr. *Hardinge*, at the Bar of the House of Commons." The substance of this Defence may be seen in vol. I. p. 399.

‡ This memorable Speech is printed at large in vol. I. p. 437.

the Directors of the *East India* Company, Dec. 16, 1783; the publication of which was supposed to be intended as a personal avowal of the political sentiments it contained.

A seat in Parliament now became an object of his ambition; and in 1784, being at that time designated "of *Pyrton*, in the county of *Wilts*," he was returned (by the favour of his intimate Friend Mr. *Thomas Pitt*, afterwards Lord *Camelford)* for the Borough of *Old Sarum**, with the Hon. *J. C. Villiers*, second son to the Earl of *Clarendon*.

* Having been made a *Welsh* Judge, a new Writ was ordered in November 1787, when he was re-chosen; as he was again in 1790, with Mr. *Sullivan;* in 1796 with the Earl of *Mornington* (now Marquis of *Wellesley);* and he also sat in the first Imperial Parliament, with Mr. *Horne Tooke*. After this period, he did not sit in the House of Commons.

His *Maiden Speech* was delivered June 8, 1784, in a Debate on the *Westminster Petition;* which he prefaced by a modest apology for the difficulty in which he found himself involved. He was sorry that Party seemed rather to govern on the present occasion; and that sound sense, or fair reasoning, had but little chance to change any man's opinion, whose mind was already made up on the subject on which he was to speak. He would, however, he said, with leave of the House, deliver his private opinion, how little soever it might affect the opinions of others. His argument had the merit of novelty. He said, that a Return was a simple act of confirmation that could not be made till the Election was complete; a Scrutiny was an essential part of an Election, which, if demanded, could not be eluded; for how else could it be known who was entitled to sit in Parliament? What did Mr. *Grenville's* Act lead to, but such a determination? No man would argue, that a Candidate, who had obtained a Seat in the House by a majority of Illegal Votes, had a right to sit in it. And certainly it was more just that the Scrutiny should take

In this situation, he was deemed a promising Orator; and many of his Speeches, both as a Member of the House of Commons, and as Counsel at the Bar of both Houses of Parliament, were absolutely patterns of eloquence and ingenuity*. So far, however, was

place, in the first instance, before any Candidate had obtained his Seat, than when one Candidate was first to take his Seat, and the other to labour to displace him by a Scrutiny of another kind, to take place under Mr. *Grenville's* Act. He insisted, therefore, that the conduct of the High Bailiff had been perfectly just and Constitutional. With doubts in his mind, such as the High Bailiff had reason to entertain, no conscientious man could make any other Return than the High Bailiff did make, unless he had returned all the Candidates, which he could not do consistently with his oath. He enforced his argument with many striking observations on what had been said before, and was well heard and attended to.—In a subsequent Debate on the same Question, Feb. 21, 1785, Mr. *Hardinge*, after having humourously counted up forty-eight long Speeches that had been made in discussing the Question, which was still as far from being decided as when it first began to be agitated, proceeded to say, he was clear, that the Electors of *Westminster* had a right to petition, and that they had a right to support their Petition by Counsel; but he was as clear (having presented *one* Petition, and been heard upon it by Counsel), that they had no right, on their presenting a second Petition, to be again heard by Counsel on the matter contained in the first Petition.—In the same year, however, he manfully supported Mr. *Burke's* opinion, that the Electors of *Westminster* ought to be heard (on a Bill then depending in Parliament for regulating the duration of Polls, &c.) in justification of the personal rights, being, he said, for many months deprived of their legal and just Representative; thinking the Petitioners were entitled to every legal assistance, to prevent a repetition of the like grievances in future.

* One Speech, on an important occasion, is given in vol. I. p. 499.

he from evincing any marked dislike to the measures of the Court, as had been expected by some of his early friends, that he generally sided with his Majesty's Ministers.

In August 1787, he obtained the respectable situation of Senior Justice of the Counties of *Brecon, Glamorgan,* and *Radnor.*

Such indeed were his talents, and so powerful his interest, that the highest Dignity in his profession seemed at one period to await his grasp: but his independence in Parliament, which was a main feature of his character, impeded his professional career.

In April 1788, Mr. *Hardinge* was elected F.R.S. He was also an early and zealous promoter of the Philanthropic Society, and accepted the office of one of the Vice-Presidents of that useful Institution.

In the memorable Debate on the subject of the Regency, Dec. 16, 1788, on the Second Resolution, moved by Mr. *Pitt,* declaratory of the right of the Two Houses of Parliament to appoint a Regent, Mr. *Hardinge* very strenuously supported that right.

He particularly laid great stress upon the precedents of *Henry the Sixth,* and upon the Regency Bills passed in the reign of *George the Second,* and of the present King. In the former, in case of a minority, the Princess of *Wales* was made Regent; and the Duke of *Cumberland,* the next Presumptive Heir, passed by. In the latter, the King was enabled to nominate a Regent by his Will, though the Duke of *York* was the next major in succession.—These indeed were acts of complete Legislature; but, in the

Debates which they occasioned, no complaint was made, no idea started that they were doing an injury to the right of the Presumptive Heir, or that of any other.—He likewise contended, that the Convention at the Revolution did, in their Declaration respecting the appointment of *William* and *Mary* to be King and Queen, and the definition of the separate powers of each, decide upon an abstract question of right, and did legislate, to all intents and purposes, as far as was now proposed to be done.

In the month of March following, he had the heartfelt satisfaction, in common with every loyal and dutiful subject, to witness the Restoration of our justly-beloved Sovereign to his Reason and his Throne; and, very shortly after, was gratified by a long and familiar conversation with the convalescent Monarch and his Royal Consort, in the presence of their amiable Daughters *.

In 1791 Mr. *Hardinge* published "A Series of Letters to Mr. *Burke*, in which are contained Inquiries into the Constitutional Existence of an Impeachment against Mr. *Hastings*." In these Letters Mr. *Hardinge* enlivened a very dry subject, by his accustomed vivacity of diction, and by a profusion of Historical and Classical illustration; and he discussed at great length most, if not all, of the topicks, that were agitated on the important question of the abatement of Mr. *Hastings's* Impeachment †.

* See the notes of this Conversation, which are extremely interesting, and admirably well told, in vol. III. p. 393.

† See an Epitome of these Letters in vol. I. p. 485; and

His reputation for professional eloquence before a Jury had so long been fully established, that he was employed at *Warwick*, on the 5th of April, 1792, as Counsel for the Hundred, to plead in mitigation of the damages claimed by Dr. *Priestley*, in consequence of the house of the latter having been burnt by a turbulent and lawless mob*.

In the Long Vacation of 1792, he made a Tour through many of the principal parts of *Ireland*; of which his description still remains in MS.; and in March 1794 (on the death of Mr. *Ambler)* was appointed Attorney General to the Queen.

After this, Mr. *Hardinge* seems to have been but little employed as a Counsel; and to have sought but very little for practice. He was, however, always busy. The Circuit in *Wales* occupied some considerable portion of his time; for he had formed a large acquaintance in the Principality, and was

a short Answer to Major *Scott's* Charge of Inconsistency against Mr. *Hardinge's* Sentiments respecting Mr. *Hastings*, and of Illiberality in his Treatment of that Gentleman, p. 497.

* See before, p. viii.—This Speech, which was a master-piece of legal ingenuity, was accompanied by certain extracts from the printed opinions of that celebrated man; from the violence of which (notwithstanding these had nothing to do with the extent of injury received) he wished to draw inferences favourable to the interests of their Clients. Accordingly a verdict was obtained, which is said to have been altogether inadequate in point of compensation.—The amount claimed was £.4192. 11*s*. 9*d*. of which £.420. 15*s*. was for MSS. containing, *inter alia*, "Memoirs of his own Life, and Diaries regularly kept by him from 1752, a Period of 40 Years." The Jury awarded him £.2502. 18*s*.; being £.1619. 13*s*. 9*d*. less than the claim.

accustomed to visit his friends there. In addition to this, he continued to write Verses till within a short time of his demise.

Participating in the severities which he thought had been used by the Commentators on *Shakespeare* against his deceased Friend Mr. *Capell*, he published, in 1800, "The Essence of *Malone;* or, the Beauties of that fascinating Writer, extracted from his immortal Work; in 539 pages and a quarter, just published; and (with his accustomed felicity) intituled, *Some* Account of the Life and Writings of *John Dryden!*" 8vo.—A second Edition, enlarged, of this *sportive* but *cruel Tract* * appeared in the same year; and was very soon followed by "Another Essence of *Malone;* or, the Beauties of *Shakespeare's* Editor, 1801;" in which, commenting on a passage in 1 *Henry IV.* Act II. Scene 1, he adroitly introduces a compliment paid to his Father by two *Shakesperian* Editors:

"*Theobald.*] The reading which I have substituted, Moneyers, I owe to the friendship of *Nicholas Hardinge*, esq. *Moneyer* is an officer of the Mint, who makes Coin, and who delivers out the King's Money. *Moneyers* are also taken for *Bankers.* This emendation was adopted by *Warburton;* but rejected, though with high compliments, by Mr. *Heath*, who adds, 'that he had the honour to know Mr. *Hardinge*, and that he entertained a very high opinion of his judgment.' Dr. *Johnson* calls it 'a very

* For which he afterwards very handsomely apologized in a Letter to a Friend. See vol. III. p. 84.

acute and judicious attempt at emendation, which has not undeservedly been adopted by *Warburton*.'"

In 1800 he had also made considerable progress in a Series of Letters to Mr. *Walpole* on the subject of *Chatterton* and *Rowley*. Of these Letters I have only the concluding leaf; and the material parts of them are probably no longer in existence.

He had some years before written an Essay on the Character of King *Richard the Third**, in a series of Remarks on Mr. *Walpole's* "Historic Doubts;" of which also I have only a single leaf.

In 1802 (accompanied by his Nephew Mr. *George Nicholas Hardinge*) he visited some of the romantic parts of *Wales*, the Lakes of *Westmoreland*, and several of the principal towns in *Yorkshire*.

On this Journey he has left some striking and very agreeable remarks.

Mr. *Hardinge's* liberal, manly, and enlightened Sentiments on Catholic Emancipation are fully developed, in a Letter which he addressed, in 1805, to a Roman Catholic Peeress of great distinction †.

* In January 1815, he says, in a Letter to the Editor of these Volumes, "Pray lend me your '*Bosworth Field*.' — Would you believe me when I tell you that I am deep in a *Richard III.* of my own? an Essay, but left imperfect, in a series of Letters to my Uncle-in-law *Thomas* Lord *Dacre*, Mr. *Gough's* Friend, and of whom I have anecdotes out of number. My Fragment will be at your service. I took infinite pains, and meant to go through all the authorities, but grew tired."—He afterwards says, "I am delighted with *your Richard*, and long to send you my *Fragments* of the work upon him. It was much laboured, and as closely argued as I could argue any thing. G. H."

† This is printed in vol. III. p. 407.

In 1807, on the loss of his venerable Mother, he in some degree consoled his grief, by courting the Muses, in several elegant little Poems; which were printed, in a neat little Volume, to present as *keep-sakes* to his Friends*. With a copy sent to me, he says, "I solicit your acceptance of my 'Filial Tribute' in honour of my late Mother, who was the first Lord *Camden's* genuine Sister †."

* Re-printed in vol. II. pp. 235—258.

† In four days after this good old Lady's death I received the following Letter:

"DEAR SIR, *The Grove, Sevenoaks, Kent, May* 21, 1807.

"I have always admired your *Obituaries*; and I hope you will honour me, by accepting at my hands the Portrait of as extraordinary a person as in the circle of domestic wisdom and virtue ever appeared in the world—Mrs. *Hardinge*, my Parent, who in her 89th year was claimed by Heaven a few days ago.—I am drawing this Portrait with all the fidelity of a religious and impartial Historian for your next Magazine.—Pray tell me if you can reserve a page for it; and honour me with two or three lines. I am, dear Sir, your most grateful servant, G. HARDINGE."

"To the Memory of my Mother, who died May 17, 1807.

"In this Lady, amongst other extraordinary talents and virtues, perhaps the most like a charm, was her frugal care of her income, and her address in the conduct of it. She lived upon a moderate revenue as if it had been treble its real amount; kept a very hospitable house; and was the most liberal of human creatures upon fit occasions. Her œconomy was invisible to every eye but her own; though, in secret, active and sagacious. It was not cold, mean, or penurious; but it left her always rich, and was the bank of her liberal spirit. Her understanding was, in its energy, masculine, though her manners were gentle and graceful. She never had a selfish thought, and was incessantly occupied in doing good among her numerous descendants; uniting them in love to one another, she was

Having no children, he had determined to adopt his Nephew and Godson *George Nicholas Hardinge*, of the Royal Navy, as his Heir; and accordingly took the proper steps for that purpose: but this gallant young Officer was unfortunately killed, in 1808, during an action with the *French*, in the *East Indies*. On this occasion, Mr. *Hardinge* compiled

impartial and generous to them all. She loved society, and was the charm of it. Her intellect survived her failure of strength, and was unsubdued by pain. She had a high sense of honour; and her duty was her pleasure. The vital and sound principles of Religion were never absent from her thoughts, and were the animating spirit of all her actions. When she lost her husband, her affliction would have destroyed her, if the sense of her parental duty had not recalled her to the energies of life. She consecrated them to that arduous and sacred office; but such was her intellect, her delicacy, and her address, that, as in the case of her œconomy, her incessant assiduity was accompanied by no effort; and she conferred obligations of inestimable value upon her children, as if they were mere feathers of courtesy, never insinuating the demand of an equivalent, but amply repaid in their smiles, and in their happiness. In society, though struck with a deafness, in the paroxysm of her conjugal affliction, which no applications could remove, she was the delight of all her friends, and, by the help of her trumpet, the readiest in conversation. Her eloquence, whether in reasoning, or in the narrative power, had peculiar grace and force. It was (like that of her most eloquent Brother, the late Earl *Camden*) stamped with an elegant simplicity; it was pointed, strong, and clear. Her style in writing was lively, natural, and full of spirit. Her seat in *Kent* is of matchless beauty, which her taste had formed out of three or four little orchards, and a wild bank at the foot of a common which hung over them. Here she built and furnished an excellent house, though for a considerable time she had another in London, and was never happier than in doing the honours of it. She had a carriage, and a very handsome retinue

an affectionate Memoir of that Heroic Youth *: but the sad event overwhelmed him with misery †;

of servants; made numerous presents, gave up to her son parts of her jointure, and yet left a handsome acquisition (including this beautiful scene) to the fortunes of her daughters. Her memory was, upon all topicks, ready and correct. It was of peculiar advantage to her in accompts, and in business of all kinds; yet, with a contempt for levity, her delight in reading Novels emulated that of her Brother; and she had pleasure, as well as talent, for all games of skill, from cards to chess. Her spirit, never depressed, but always calm, was a ruling feature of her mind and genius. Amongst numerous traits of it, we can give this: her female housekeeper cheated her, and was detected in a series of complicated forgeries. Mrs. *Hardinge* took her up to *London* with her, and watched her with all the acute suspicion of a Serjeant over his Deserter, till she recovered every shilling, and threw the forged receipts into the fire. Hand-in-hand with her prudence in forwarding the interests of her numerous descendants, was her talent in reconciling their differences, and recommending them to mutual forbearance; always taking the weakest by the hand against the rest, and with no other partialities. Her last illness was lingering, as well as painful; but all the characteristic features of her mind, and life, continued up to the very day preceding her dissolution. She had the love and prayers of relations and friends out of number, who circulated her merits where she was not personally known; so that her name was often endeared by the character and stamp it bore in the world. G. H."

* See "Illustrations of Literary History," vol III. pp. 49—96.

† Here again he had recourse to the Muses; and, amongst many other pathetic Verses, wrote those which here follow:

"To the Memory of GEORGE NICHOLAS HARDINGE,
young, modest, valiant, and merciful.

"When in the battle's doom this Hero fell,
The heart's afflicted graces rung his knell;
Though Courage never strung a nobler breast,
More brilliant was the Hero when at rest:

and he endeavoured, by perpetual change of scene, to banish from his bosom the melancholy with which he was haunted.

Having noticed, in a former page, Mr. *Hardinge's* animated Narrative of a highly gratifying Visit at *Windsor* in 1789; I have much pleasure in being enabled to preserve a no less pleasant description of a Visit at *Castle Hill*, more than twenty years later,

When the lov'd charm that modest worth displays,
Won by rejecting and abjuring praise.
These, Britain! are thy Chiefs.—Oh, pass not by,
With an averted or ungrateful eye!
But, though in tears, with Sorrow's brightening view,
Bless the example, and the name renew."

MY LAST WORDS TO THE SAME.

"In youth renown'd—in valour tried,
And modest, though a Nation's pride,
At Glory's call, to danger led,
The Hero fought—the Victor bled.
Fame, weeping, heard the wish and prayer,
'A Patriot's death in arms to share;'
Her glowing wreath is cherish'd here,
And Virtue consecrates the tear.
Upon *his* cheek that pearl would flow,
To soothe, or mourn, a vanquish'd Foe;
And *Mercy*, as the fountain ran,
Breath'd on its current—'*Friend of Man.*'"

The following Lines were addressed to a Lady, with an accurate and beautiful Drawing of a Sword:

"Accept, for *thou* art generous, thou art brave,
The Sword that Courage won, that *Britain* gave!
From thee both enterprize and laurel sprung;
By thee to Honour's field the arms were strung;—
In thy example was the Hero found:
By thee his fame was built, his wreaths were bound;

and of the truly gracious reception he there experienced. Mr. *Hardinge* was much honoured by the Duke of *Kent's* partiality; and his Royal Highness is no common Correspondent, having a fund of

Proud of thy love, and studious of thy worth,
His ripening genius claim'd a second birth:
In thee were trac'd his proud contempt of art,
His patient valour, and his feeling heart!
But let him share the ray of *Nelson's* fame,
Or join the Syrian Hero's deathless name,
With tears of joy his grateful heart shall own
That you have still the undivided throne. G. H."

ON MY BIRTH-DAY, JUNE 22, 1809.

" When pride of heart could *age* adorn,
How blest was then my Natal Morn!
Young in the Hero I had lov'd,
Nor years nor fortune I reprov'd.
The passion of an early choice
Was answer'd by a Nation's voice;
Love upon *Glory* could refine,
'Twas Heaven to whisper—" *He is mine!*"
His blooming honours are my *own;*
For *me* their fragrant hues are *blown.*
My renovated spirits breathe
In *his* accumulated wreath:
Time heard the visionary hope,
And gave to *Fancy* all her scope;
Till, in the battle's wild career,
Mine was applauding *Britain's* tear:
Ungrateful to the *name** it bore,
The *heart* replied, " *He* LIVES *no more!*"
Now—on the morn that gave me birth,
My looks are bent upon the earth;
Hope's cheering melodies are dumb,
And my *New-year* UN-BLEST is come."

* His names were *George Hardinge.* He was my Godson. G. H.

knowledge, and a talent of information superior to most men. His Letters have a peculiar elegance; and his conversation (as I have myself more than once delightfully experienced) is condescending, manly, and intelligent.

Mr. *Hardinge's* Visit was described at the time in an animated Letter to his Brother *.

In 1813, Mr. *Hardinge* printed a small number of Three single "Sermons, written by a Layman;" and "An Essay on the Character of *Jonathan;*" not intended for sale. Of each of these I have a copy; "a keepsake, offered as a memorial of grateful and affectionate esteem;" and they are now, with several others, preserved in the present Collection †.

In the same year he published "The *Russian* Chiefs, an Ode," 4to‡; and he revised and enlarged an excellent Critique, written many years before by his Father §.

* Printed in vol. III. p. 396.

† See these in vol. I. pp. 187—388.

‡ Re-printed, with additions, in 1814; and preserved in this Collection, vol. II. pp. 259—276.

§ In one of his Letters to me he says, "Of the *Critique* which I now send you, and of the *Emendation* which is engrafted upon it, I am the *Filial Heir*—that is, of the substance, which is rather asserted than argued, in a Letter of *the late Mr. Hardinge* to his Brother-in-law *Thomas* Lord *Dacre*, then Mr. *Barret*. I have, since an accident a few days ago brought it before me, *re-examined* it, and feel convinced that it is no less correct and sound, than it is ingenious and perfectly original. The *argument* and the *authorities* are mine."

In another Letter he says, "This criticism was adopted implicitly, as I happened to know, by the Patriarch of Commentators, Dr. *Bentley* himself, though not recorded. I have lately

In 1813 and the following year Mr. *Hardinge* was a copious and valuable Contributor to the "Literary Anecdotes of the Eighteenth Century*."

made another discovery of greater value: It is, that *Markland* commends my Father's Critique upon the *Ne semper*; and that *Parr* countersigns him, as well as *Taylor*. The passages are short, but pithy; and, if you love your Father's memory, you will not be angry with me for loving that of mine."

* Two short Letters on this subject may here be introduced:

"Dear Brother Nestor, *June* 29, 1814.

"Never complain of age to *me*. It is an *affront*, as I am the oldest man of the two, and yet feel a youthful pulse in my enthusiasm for genius and worth. Your hair, which I hope is *grey* in honour to mine, would resemble that of the porcupine, if I told you half the disgraceful apathy, ignorance, and oblivion, of this age.—I cannot give you the faintest idea how you have delighted me by the loan of your books. Your Eighth Volume (always except *my* trash in it, which you *lower by elevating*, if you will suffer that *French conceit*,) is the most entertaining of the sett.

"Poor *Tyson!* I knew him with intimacy in the days of *Lort*, and admired him very much. His fate afflicts me, but the Calamities of Authors are infinite.—How characteristic are *Walpole's* Letters! *Browne's* Will, quite new to me, is a feast. In this Repository I occasionally find circumstances in which I am personally at home. Who would believe that, in my checquered life, the Dowager Lady *Stafford*, *Akenside*, and myself, formed an Episode! Yet such is the fact.—It reminds one of *Burke's* ridicule upon a Colonel *Macleod*, who said in the House, 'that he had supped with *Hastings* and *Tippoo Saib!*' 'Oh,' said *Burke*, 'that I had made a fourth in the *Welsh*-rabbit of that supper!'"

"Dear Friend, [1814.]

"That we may begin to be in movement, as *we are two young creatures*, why should not you put my Father's Latin Verse in train? *Mine* could follow.—There is a good Portrait of my Father, in his Clerk's Robes. It is by *Ramsay*, very like what I remember when much older.—I will send you, before I go my Circuit, a volume of English, and another of Latin Verse, writ-

"Think," he says, "what a fine old *Grecian* I must be, who intimately knew, for years and for ages, the first Lord *Camden*, Dr. *Akenside*, Mr. *Hall (Markland's* friend), Baron *Adams*, *Wray*, *Lort*, *Barrington*, Lord *Dacre*, Mr. *Dyson*, *Horace Walpole* of *Strawberry-hill*, Mr. *Cambridge*, *Athenian Stuart*, &c. &c. But, lest you should think me older than I am, you will permit me to say, that all these Friends were older than myself by several years; but I always cultivated in youth men older than myself, though in my old age I cultivate young men the most. Excuse this egotism, and this garrulity of age." He afterwards added the names of "*James Hayes* of *Holliport*, *Woodeson* (his Schoolmaster), Dr. *Barnard*, Dr. *Battie*, *Stephen Poyntz*, Dr. *Glynne*, *Stephen Whisson*, Bp. *Watson*, Dr. *Goode*, *Thomas Papillon*, and *Jacob Bryant* *."

In the latter end of March 1816, Mr. Justice *Hardinge* set out on the business of the Circuit. In some Letters previous to his quitting home, he told his Friends, that he was suffering from a heavy cold; which, to use his own words, "had not separated his nose from the fire:" but he was first taken seriously ill at *Ross*,

The immediate cause of his decease was an inflammation of the *Pleura*; and it is probable that his

ten by me. You will just throw your eye over it, and will tell me *your* favourites—if any such there are.

"Your affectionate admirer and servant, GEO. HARDINGE."

* Many of those eminent persons are in the most lively manner pourtrayed by him in the "Literary Anecdotes."

personal exposure to the Easterly winds then prevalent was the inducing cause of the unfortunate attack. He had also suffered much by a fall from his horse (being partial to that exercise, he often took long journeys on horseback, attended only by his valet), which was supposed to have hastened his death.

On his journey to *Cardiff*, he increased his cold in that degree that he could not act in his judicial capacity. Yet he went on his Circuit, through *Brecon*, to *Presteigne*; where, on his arrival, he was attended by a Physician: but the disorder had become a confirmed *Pleurisy*, and was at such a height that relief from *bleeding* was ineffectual. It was tried; but the fever was at this time very great, and he complained of it.

He died at *Presteigne*, April 26, 1816, in the 72d year of his age; leaving behind him the character of possessing, rather than profiting by, great talents.

From his Father, he enjoyed a very good hereditary estate; and with his wife, who still survives him, he obtained a very handsome dower. Either, or both, of these circumstances, united with a strong love for independence, might have rendered him less anxious for advancement.

Mr. *Hardinge* seems to have had some forebodings of the melancholy event which took him from his Friends and the World.

In one of his latest Letters to Lady *Knowles*, he says, "I despair of taking leave of *Davies*, until the Undertaker is waiting for me." He had proposed to visit at *Kingsland* the shrine of Dr. *Davies*. His

remains *passed through Kingsland,* to be interred with those of his Family at *Kingston-upon-Thames.* A melancholy association with the recollection of the intended visit to the tomb of his last favoured Hero of Taste and Virtue is formed in the mind; and painful moral feelings of regret arise, which teach us more forcibly to remember that—man proposes, but God disposes.

Mr. *Hardinge* was rather short of stature, but very handsome, with a countenance expressive of the good qualities he possessed. His temper was admirable, and his perseverance in the cause of those he protected most extraordinary and exemplary.

There is a good Portrait of him, when he was 30, by Mr. *N. Dance;* which, at the time it was painted, was very like him; and a faithful copy of it, from a drawing made by *John Jackson,* Esq. R. A. accompanies this Memoir *.

When we consider that few live to the advanced age Mr. *Hardinge* attained without sustaining a loss in some material faculty, we shall more highly prize the rare gifts he enjoyed, both mentally and bodily; for, excepting the wrinkles and grey hairs which hoary Time by its iron grasp will leave on the strongest, his life may be said to have been mental youth, and his death a short interruption and passage to that blessed state of perfection which his goodness and philanthropy sought after while on earth.

* *Bromley,* in his "Catalogue of Portraits," mentions, "an anonymous mezzotinto of *George Hardinge,* Esq. a *Welsh* Judge."

As a Christian, Mr. *Hardinge*, in all circumstances, and in every part of his life, appears to have been a steady believer; and, at times, pious and devout in the extreme.

In the character of a Judge he was irreproachable; and his various Charges for many years, at the different Assizes in *Wales*, are admirable.

In that respectable function, one of the latest acts of his life was the sifting to the bottom the grounds upon which all Judges before his time had charged Juries in cases of Child-murder *. Some excellent Notes for a Charge were prepared by the benevolent Judge in April 1816, not many days before his decease; but he did not live to deliver it †:

Mr. *Hardinge's* ideas on this subject were fully confirmed by the unquestionable concurrent opinions of several Professional Gentlemen of first-rate eminence; and that this important subject had long before excited his attention, will appear from a Letter addressed in 1805 to Dr. *Horsley*, then Bishop of *St. Asaph* ‡.

Mr. *Hardinge* had brilliant talents, and a power of shewing them so as to afford to his companions and correspondents the greatest gratification.

* All Women who had been privately delivered of Children were convicted of Murder, if the Lungs of the Infant floated in Water, as several Medical Practitioners had given their opinion, that, if the Child was born alive, the Lungs would float; if born dead, they would sink.—Some valuable suggestions on this subject are inserted in the Gentleman's Magazine for 1774, p. 462.

† See this Charge in vol. I. p. 176.

‡ See the "Illustrations of Literary History," vol. III. p. 126.

The *talent of society* he possessed in an eminent degree; and the rank which he held among the Wits of this day, and the Illustrious Personages by whom he was admitted into familiarity, sufficiently evince how much, in conversation at least, he must have displayed the Gentleman and the Scholar.

In conversation indeed he had few equals; as he had an astonishing flow and choice of words, and an animated delivery of them, such as few persons possess. He delighted in pleasantries, and always afforded to his auditors an abundance of mirth and entertainment, as well as information.

His passion for the Muses commenced in infancy; and continued till the close of life.

The Correspondence of Mr. *Hardinge* was most extensive. His Letters were extraordinary, from their wit, fancy, and gaiety. They seemed to be the productions of a youth of twenty, rather than of a man upwards of sixty years of age. Of his various compositions his Letters were pre-eminent.

Among the Friends whose Correspondence he justly esteemed were, Archbishop *Moore;* Lord Chancellors *Thurlow, Loughborough, Eldon,* and *Erskine;* the first Marquis of *Bute;* the Dukes of *Grafton, Queensberry,* and *Richmond;* Earls *Camden, Effingham, Egremont, Hardwicke, Oxford, Stanhope,* and *Warwick;* Lord *Braybrooke,* Lord *Dacre;* Mr. *Thomas Pitt* (afterwards Lord *Camelford);* Countess *De Grey;* Bishops *Bagot, Beadon, Cornwallis, Fisher, Horsley, Hurd, Madan, Mansell, Newcome, North, Porteus, Shipley,* and *Wat-*

son; Sir *Joseph Banks*; Sir *John Nicholl*, Sir *William Scott*, Sir *William Jones*, and Sir *William Ouseley*; Lady *Knowles*; Deans *Ekins*, *Graves*, *Powis*, *Shipley*, and *Vincent*; Dr. *Glynne-Clobery*, Dr. *Martin Madan*, Dr. *William Wynne*; Mr. *Bryant* *, Mr. *Cumberland*, Mr. *Matthias*, Mr. *Perceval*, Mr. *Walpole* †, and Mr. *Wilberforce*.

Notwithstanding his talents and acquirements, he had a rare humility for an Author, being ready at all times to adopt the suggestions of his friends, in preference to his own expressions. Of this he gave a striking proof, in permitting me to expunge some unpleasant reflections on a deceased Commentator on *Shakespeare*, for whom I had a great respect, and whom he had treated somewhat too cavalierly ‡.

On the suggestion of a gentleman on whose judgment he had great reliance, he destroyed one of his early productions, on which he had bestowed much labour.

* Several of whose Letters to Mr. *Hardinge* are printed in the "Literary Anecdotes," vol. VIII. p. 533; and some others in the "Illustrations of Literary History," vol. III. p. 220.

† See some of his Letters to Mr. *Hardinge* in the "Literary Anecdotes, vol. VIII. p. 527; and several of Mr. *Hardinge's* to Mr. *Walpole* in the "Illustrations of Literary History," vol. III. pp. 177—219.

‡ "I thank you," he says, "most gratefully for your corrections, and wish they were more numerous, because I make in general, notwithstanding my long and white beard, more haste than good speed.—I approve all that you recommend; and I approve your delicacy to *Malone*.—I half suspect that you are overwhelmed by such a *farraginous* Contributor to your interesting Volumes, and you could not *flatter* me so much as by the use of your *pruning-hook*. G. H."

The zealous ardour with which Mr. *Hardinge* persevered in his researches, when any favourite object was to be attained, cannot be better exemplified than by a few extracts from the numberless Letters I received from him in the progress of the Memoirs of Mr. *Wray** and Dr. *Davies;* which, from the commencement to the conclusion, employed his attention nearly two years†. By far the greatest part of the Letters were hasty directions for the moment, and were either printed or destroyed. Those here given were preserved as memoranda for occasional references, whilst the articles which he so cheerfully contributed were passing through the press‡.

In compiling the Memoirs of Mr. *Wray*, to his own very great regard, arising from a long personal knowledge, he superadded the copious and valuable communications of Lady *Lucas* (now Countess *De Grey)*, and the Earl of *Hardwicke;* to whom Mr. *Hardinge's* obligations are repeatedly acknowledged

* "My WRAYANA," he says, "are wonderful enough to astonish myself; though in some applications I have been disappointed."

† Scarcely a day passed without my receiving a request to ascertain some doubtful point, or to send for him some book which he thought necessary to consult.

‡ Though I had so long been in the habit of corresponding with him, we never had a personal interview. Yet, in June 1814, his eager pursuit after *Wray* was for a moment suspended, by two characteristic billets:

1. "I am wild, and will neither keep spirits nor life, unless you send me full-gallop the incomparable Print (by *Edridge)* which I saw of you in *Pall-mall* on Saturday last.—I will not thank you for any of your ten thousand good offices, till I can throw in this."—2. "A motion of thanks for a Portrait that seems alive, and marks the philanthropy of the mind."

in that Memoir. To the late Rev. *Francis Wollaston* of *Chiselhurst*, and the Rev. *Samuel Salter* of *Shenfield*, he also considered himself materially indebted.

The Memoirs of Dr. *Davies* grew rapidly under his hand; and his acknowledgments for assistance are frequently repeated — to Lady *Knowles* more especially, from whom the Portrait and much important information were received. Most gratefully also did he acknowledge the kind communications of Lord *Braybrooke;* the Hon. and Rev. Dr. *Cornwallis*, the present venerable Bishop of *Lichfield;* and those of Lady *Cornewall;* the Reverend Archdeacons *Coxe* and *Corbett;* the Rev. *Richard Evans*, Rector of *Kingsland* in *Herefordshire;* and *Edward Evans*, esq. of *Eyton Hall, Leominster*.

Mr. *Hardinge*, like the generality of mankind, was not without his failings. Men of genius are often negligent in concerns they deem trivial.

Anxious as he was that his own literary productions should be preserved, his inattention to their preservation is much to be lamented.

Those who were in habits of intimacy with him must have experienced the frequency with which he requested the loan of books—and sometimes the difficulty of recovering them from what he called "the *Chaos* of his Library *."

* Many of my books, though all of them have been very honourably returned, were frequently mislaid. Amongst them was a single volume of a scarce work; which not being able immediately to find, he sent me a complete set; the return of which to him produced the following Letter:

"DEAREST OF ALL DEAR FRIENDS, *Walton Grove, Esher.*

"Why did you send back to me the 'Poetical Calendar?' I

When in Parliament, he was often reminded that he had *overloaded* his Franks*.

sent it you *as the substitute for your own;* which is by some wonderful accident, though it has never moved out of my possession, incomplete. Some of the volumes I rather believe, but cannot swear, that I returned. I have a volume of the Gentleman's Magazine which is yours, and which I will return very soon. It is for 1756, and is volume XXVI.—*Apropòs*, I will tell you a curious fact: With my usual *impetus* of thirst after *useless* knowledge, I *longed* for a discovery of the cause for *James Annesley's* ultimate failure, which is intimated by *Collins* (in a note, I believe, to one of his *later* editions); but I half despaired of a key; when, to-day, looking amongst pamphlets with a far different view, I saw this odd volume of yours emerge out of the waves. I took it up *to reinstate you* in the possession of it, when, opening it at p. 427, I saw the attempt of *James Annesley* to renew the contest by a subscription to the publick;—and a bird's-eye view of the oppressions which had alone disabled him to follow up his blow after an expence of £.40,000! I suppose this appeal failed, as he died in 1760 unacknowledged. But I am very curious to see all publications of his case; one of them is a Novel in its *form*, and, I rather believe, had the title of *Theodora*. The Trial, as reported in the Gentleman's Magazine, vol. XIV. is in many passages erroneous; and so is a more ample statement of it, in duodecimo, printed by *Walker*, in *Fleet-lane*, 1744, with *James Annesley's* Portrait prefixed. In that volume the Editor says, 'the hardships and sufferings of this young man will be detailed in a pocket volume, and in the form of a Novel.' I put myself under your wing; and wish, under the same protection, to see all the publications upon Lord *Valentia's* claim in 1762 and 1765, terminating in the rejection of it in 1771.

"Ever dearly your admirer and servant, G. HARDINGE."

* This habit was jocularly noticed by a Friend, to whose critical acumen he paid the highest deference:

"The Post-master at *Tunbridge* is a man so totally devoid of taste and discernment *in light and airy writing*, that I really believe he thinks you are related to a well-known Writer of *leaden* memory;

His hand-writing also, in the latter part of his life, was with much difficulty to be decyphered *.

But, whatever were his merits or his defects, they were greatly overbalanced by his active benevolence. By ardent zeal and perseverance in the service of those persons whom he thought worthy of protection, he was able to obtain immense sums † by subscription. Many are now alive to bless his memory. The sums he collected for such persons amounted to near 10,000*l.*; and he was not apparently in a situation to command success. No rebuffs checked him: no obstacles prevented his constant pursuit of his meritorious object. This activity of friendship,

for, though I find nothing more sprightly than *your* own writing, yet Lord *Auckland* and his *Criticks* at the Post-office write upon your Letters frequently, '*Over-weight, and above Privilege!*' — How ungracious, and how un-diplomatic! What bad judges we are of the *weight* of our own writings, when we dispatch them *through the world!*"

* On this subject also a Right Honourable Friend of his (still a living ornament of the Judicial Bench) thus bantered him:

"Dear Sir, I have received an *anonymous* Letter, with a List and another printed Paper inclosed. I am therein desired to return the Papers, &c. to the Writer. I *conjecture* that it is *your* hand-writing; but I am not confident, because, to speak the truth, the hand-writing is very *legible*, which forms something of a presumption against my conjecture. But, if I am right, my Five Guineas are much at your service for the purpose intended."

† This was strongly exemplified in the case of the Rev. *Edward Davies*, a most laborious and very learned Writer, on the Introduction of the Art of Writing into the West of *Europe*; on the Nature and Origin of the *Celtic* Dialect, &c. &c.; for whom Mr. *Hardinge* most materially assisted in obtaining a respectable list of nearly 5000 Subscribers.

almost always successful, was the principal feature in his character. It was wholly disinterested; it was noble; and ought to be held forth to general example.

SONNET, by the Rev. R. POLWHELE.

Where sleeps the Muse? Doth no faint echo tell,
O HARDINGE! worth that claims supreme applause?
Is it, in sooth, Affliction's silent pause?
Hath cold Indifference damp'd the vocal shell?
Pale, at an hour when Sorrow mark'd too well
The dire contempt of ancient Honour's Laws,
Did not the few (who, to "*the good old cause*"
Still clinging, caught with sigh thy funeral knell)
See parting as from earth the *soul sincere*,
Undaunted *Faith* where flam'd the rebel blade,
And Legal *Science* to thy *Camden* dear,
And *Taste* refin'd that wooed the whispering glade,
And generous *Friendship* that trac'd back the tear,
Still "redolent of youth," to "*Henry's* holy shade?"

Inscription, by the Rev. Dr. VICESIMUS KNOX, for the Family Monument at *Kingston*:

"H. S. E.
NICHOLAUS HARDINGE, Armiger,
Hujusce Ecclesiæ Patronus, Manerii Dominus,
et KINGSTONIÆ Recordator:
Literis *Etonæ* imbutus elegantioribus,
(Id quod ex Poematiis Latinis, venustis illis et facetis, satis liquet)
Mox, provectâ et firmatâ jam ætate,
Evasit Vir variè egregièque eruditus,
Et anno MDCCXXI,

Ad Causas pro TRIBUNALI agendas se accinxit;
Deinde Dom. Com. Cler. Prim. et Ærarii Sec. Prim.
Munera sustinuit.
Multos etiam per annos, in Publicis Regni Comitiis,
Usque ad obitum, anno MDCCLVIII,
Officio functus est Senatorio.
Uxorem duxit *Janam Pratt*,
Caroli Camdeni Comitis, et summi *Angliæ* Cancellarii,
Sororem;
Quæ ingenio, moribus, et optimâ vitæ ratione insignis,
Aliorum commodis consulens et sedulò inserviens,
Nullâ non laude, à suis cumulanda,
Usque ad annum nonagesimum floruit,
Et bonis omnibus triste reliquit sui desiderium,
Anno MDCCCIX.
Eorum Filius,
GEORGIUS HARDINGE, Armiger,
Etonæ etiam, Patris ad exemplar, optimis studiis,
et humanioribus institutus disciplinis,
Postquam excessit ex ephebis,
Literarum et Artium liberalium
Multiplici genere perpolitus,
Et imprimis (uti par fuit) Legum Jurisque cognitione,
Et eloquentiâ judiciali,
Ornatus claruit;
Quibus omnibus, quasi instrumentis, amplissimè instructus,
Ad rem Forensem Advocatus accessit;
Et, continuatâ serie, Soll Gen. et Attorn. Gen. Reginalis,
Muneribus honorificè impletis,
SUMMI BRECKNOCKIÆ JUSTICIARII Tribunal ascendit,
Judex sagax idem et incorruptus;
et demùm, plus vice simplici,
Civium faventium suffragiis,
ad Ordinem evectus est Senatorium,

Quinetiam Scientiarum amans, et cultor assiduus,
In Societ. Reg. et Antiq. ascitus est;
Quibus singulari fuit ornamento.
Cùm publicis his muneribus plurimum addidit
Et gravitatis et dignitatis,
Tùm, intra domesticos parietes,
et in amicorum convictu familiari,
Facilem se præbuit, suavem et benignum;
Nempè comes (siquis alius) jucundus
Sermonis gravitatem, varietatem, et copiam,
Omni lepore, urbanitate, et sale Attico condivit.
In Negotiis alacer et promptus, solers acerque,
Otia cum Negotiis ita commiscuit,
ut plurimum venustatis Legum studiis,
Curisque (quæ ad Res Forenses pertinent) paulùm severis,
Peritissimè impertivit;
Musis enim, Gratiis, et Literis amœnioribus,
Quas semper in deliciis habuit,
Per horas subsecivas
Fœlicitèr incubuit.
Qui,
Cum talis esset,
Nil mirum, quòd suis et omnibus, quibuscum versatus est,
Flebilis et desideratus,
ob. ann. MDCCCXVI.
Quod autem mortale fuit
Et *Nicholai* et *Georgii*,
Parvulo interjecto spatio,
Reconditur
intra hos sacrosanctos Ecclesiæ Cancellos,
Qui eorum Prosapiæ erant proprii et peculiares
Jure Patronatûs."

CHARGES

DELIVERED AT THE

COURTS OF GENERAL SESSION

AT

CARDIFFE, PRESTEIGNE, AND BRECON.

I. *Undated; but evidently at an early Period of the French Revolution.*

Gentlemen of the Grand Jury,

THE Calendar has nothing for *your* cognizance but one larceny—too insignificant for a *word*, either of comment or of direction.

These petty offences ought in general to be laid before an inferior, but very useful tribunal—yet they are brought with propriety hither (I mean with a reference to the liberty of the subject) if the Assizes are nearest at hand, as in the case before us.

This blank in the Calendar conveys in it a very high compliment (and where no flattery can dishonour it) in the good order of the publick to that

enlightened and well-exerted police which can alone account for it.

I should here part with you in common times—but in critical moments like these, I should feel myself a disgrace to the office which I hold, if I could forbear to enter (with all the delicacy which the occasion demands) into some topics that go to the very heart of our best affections, and are inseparable from that security in our liberties, characters, fortunes, or lives, which it is your province and mine in our several departments to assert and vindicate.

In the midst of blessings without number, which have long distinguished the natives of this Island, and the subjects of this Realm, there is not one more signal or of more inestimable value than a fund of good sense in the *National Character*.

Like the constitution of our Government, we are firm against the abuse of legal power, which is Tyranny, and the abuse of natural right, which is Tyranny of another description.

The *rights of men* are the rights of *strength* as the sole measure of *power*, and the rights of *appetite* as the sole measure of the *will*.

If *these* were to be made the rules of a Government, it would be a *Government by the sword*—Freedom would be lost in the conflict—and the Victor would be a Tyrant in self-defence.

But are we therefore *Slaves*, because we are bound by an equal rule (equal as between the rich and the poor, the high and the low) to obey the Laws, and support the Government? Heaven forbid!

We have a Constitution that is a *check upon itself*, and cannot oppress the subject.

It is not, and it cannot be perfect, because it is human—it often requires to be reformed and improved.

The modes of Reform, which are Constitutional and sure of their effect, are numerous.

In the Legislature itself are those whom their *interest* as well as *duty* obliges to guard the Popular scale (which they represent) against the Aristocracy, or the Monarch.

If they should be corrupt, there is a voice of the People that will be heard and felt at every new Election to Parliament.

It will be heard and felt in the discussion of public sentiments—which are free as air, till they become treasonable or seditious.

But Reforms, though right in themselves, are not proper to be made *at all* times, *by all persons*, and *in every possible mode*.

If the disaffected incendiary talks of Reform to me with a cockade in his hat, and a mob at his heel, I will not only not intrust myself to *him*, as the Reformer of that Government under which I live and am protected, but will repel the insult with all the efforts I can make.

The Laws themselves are actuated by a dignified spirit in opposing Reformers like these.

If Rioters assemble with a meritorious plea, as for the purpose of demolishing brothels, the Law meets them with death.

if, under pretence of a political discussion, the Writer puts a dagger into the hand of the Reader, he is arraigned and punished as a Libeller.

The contagion of example upon the Continent (though against the obvious lesson of prudence, which the misery of that scene should have inculcated, and against the general current of the public mind) has infected some turbulent spirits, who wish to cut asunder all the ties of public morality.

Their tenets are these—to hear them, is to laugh at their folly, to shudder at their depravity, and guard with every nerve against their mischievous effects:

"That all Government is oppressive: that all Religion is mummery and priestcraft: that no *opinions*, let them be ever so mischievous, are criminal.

"That legal restraint upon human actions is inconvenient, as well as unjust.

"That power, wealth, and rank, are equally divided by the rule of justice.

"That King, Nobles, Bishops, are usurpers upon the native equality of men.

"That every man should obey the Law which he approves.

"That every man (for to this complexion they come at last) should be his own Sovereign, his own Legislator, and his own God."

The King of this enlightened, happy, and free Government, has made a constitutional appeal to the good sense of the public opinion against Reformers like these.

We have risen as one man to support the Government, and those principles of all Government, which these Incendiaries wish to subvert.

You, Gentlemen, amongst others, have already given your unequivocal test of public spirit and constitutional regard for that liberty which is the *Genius of England*, well understood; but, misconceived, becomes anarchy, weakness, and the worst form of oppression.

II. *Charge on Monday, April 6th,* 1801, *in the Court of Great Sessions held for the County of Glamorgan.*

Gentlemen of the Grand Jury,

When I had last the honour of attending the Circuit here, those alarming visitations (not of Man, but Providence) which the markets have experienced, were generally deprecated and foreseen, by the calculating spirit of sagacious minds; for sagacity is prophetic.

But, if I had then been told that a day should ever come, in which the Calendar should here present forty offenders for trial, and that more than half the number should be Rioters upon the verge of High Treason, I should have rejected so gloomy a picture of anticipated mischief, as an unwarrantable reflection upon the Magistrates and the Populace.

When I have considered the opulence of this County,—the various channels of its produce,—the variety of its parties, religious and political,—its immense population,—but, above all, the armies of men who are employed in the Mines and Furnaces, who must be guarded as well as fed, and credited as well as paid, I have been astonished (and gratified in the same degree) at the subordination of the poor; at their humble and respectful behaviour to the rich; their affection to the Government, and their zeal against all its enemies.

At *Merthyr* in particular (which has been made the scene of action for so dreadful a tumult) I have seen with my own personal view the parental support which has been given to the industrious, and their exemplary good order in return for it.

It must not however be dissembled, that in that place an outrage has taken place, very extensive and complicated in its mischief, dangerous in its precedent, and alarming in the terror it has impressed.

Upon you, and upon me, it has imposed a very delicate and a very arduous province; but I have no doubt that we shall do what is right, and that we shall satisfy the public demand upon us, by that undeviating spirit of honour, which is the policy, as well as the duty, of those who are placed in offices of judicial trust.

There are two mischiefs that are sure to result from such an outrage; that is, from a tumult which has been excited by such motives, and has aimed at

such objects: they are very natural, but they are dangerous; though of an opposite kind.

One of them is the resentment which inflames those who are deeply injured, and who feel perhaps "*the Serpent's tooth*" of ingratitude, as the most cruel part of the wrong.

(The by-stander is terrified into a share of that resentment, as against other and similar enormities at his own door.)

On the other hand, a popular cry is raised in support of these offenders, upon two grounds of compassion, which are very humane, but extremely mischievous. One of them is an idea that, in such times as these, the poor can scarce be considered as moral and free agents: the other is a reflection, which to a certain degree is just, that in cases like these many who are less criminal are goaded by ringleaders, and powerful incendiaries.

Here the Judges of the land assert peculiar dignity, and are of critical utility.

They extenuate nothing, but they add not a feather to the real weight of the guilt imputed. They have no eyes, nor ears, to any thing but the fact, and the rule: no degrading fear of odium undeserved, no vicious aim at popularity enervates their powers, or tempts them to connive at offenders like these, who strike at the root of all that is dear to us.

But no vigilance or jealousy can seduce them into any topics, which may irritate the feelings that are provoked, or the interest that is alarmed.

The only sound and legitimate object of judicial terror is the mercy of prevention, by warning to future offenders, and by countenance to the rights endangered.

In offences like these, it is *the peace and good order of the community* that are at stake.

The "*duty of insurrection*" is a *Jacobin* paradox, fit only for the monsters and fiends who have acted upon it, and who are the disgrace, as well as pestilence of the world.

In *our* Law, whatever is the *object*, if the *act* is turbulent, it is *criminal.*

It is the *terror of the People*, that constitutes the offence.

Cardinal De Retz, who was the ablest of all Incendiaries, well knew, and has well described, the effect of a mob: "Whoever (said he) *assembles* the people, *incites them to mischief.*

"The number animates those who are parts of it.

"They *will* do *something.*

"That *something* is generally *mischief.*

"Those who are quiet as *individuals* are turbulent when they are *united.*

"If their *leader* can point out no mischief, they will discover it for him, or will make it for themselves."

But it is of the deepest importance that, when the public mind is in a fever, the analogies of crime should not be overstrained.

The Magistrates at *Merthyr*, and those who have acted there, are entitled here to every degree of

respect;—but they will not be offended with me if I intimate that, in a case of some difficulty, they have committed errors—which are yet so material, as far as they extend, that it is necessary for you, and for us, to correct them.

I observe two commitments which are inapplicable to the offences that are described—*A notice of a meeting* at a *future period*,—and a *menace to commit a future mischief*.

These are not subjects of imprisonment;—but are proper cases for binding the offenders to the peace, and their good behaviour.

The fact, however, compels me to make one comment upon the conduct Magistrates have observed.

What has really happened I cannot judicially disclose, because I cannot judicially know it. But I must lament what appears upon this Calendar; which is, that, although such an interval had been given by a notice in the market, as between Saturday the 20th and Monday the 22d of September, whatever exertion of the Magistrates may have been employed, the Riot was not in fact suppressed.

Sheriffs can suppress a riot, and call in the *posse comitatûs*.

Magistrates can *present* a riot which they see; and their *presentment* is *conviction*.

Private Men can suppress a riot, by repelling it.

They can arm; they can defend their properties; and if they kill the rioters in self-defence against the riot alone, it is not murder.

The *parties injured* are trustees for the publick. I take it for granted they were firm to their post. If they deserted it, they owe to the public interest, as well as to their own, a deep account.

It is to the *Military* of Great Britain that we owe the power of discussing these principles at this hour; to *their* temper, humanity, and address.

But it is very hard upon *them*, to call them out, only for the purpose of making them avenge or correct the pusillanimity of the Civil power.

Having said this, I am happy in the occasion of commending the Magistrates for their public spirit, and legal discernment in some essential points which these commitments have produced; they are points of judicial and of political importance united.

A very dangerous error has taken place upon the subject of Riots.

It is "that whatever is done for the purpose of attaining the object which the riot has in view, though a capital offence in itself, acquires a new and milder name, in its legal description, if it be an implement of other mischief."

A *Rioter*, for example, commits a *highway robbery*,—a *robbery in the house*, or a *larceny there* to a *value* that makes the mere theft a *capital offence*;—but he meant (it seems) "through intimidation generally, and by means of these outrages in particular, to do something else; to reduce, for example, the market value of provisions by force."

This wicked plea will never avail him. What is a capital offence in itself acquires *more* instead of

less malignity, when it is in the hands of a mob, and when it aims, or pretends to aim, at a reform of oppressions, real or imagined.

I can give you perfect satisfaction upon this topic.

Those who have committed highway robberies to feed a riot, or with a similar object have robbed in a house, or have stolen to a value that makes theft capital from a house, have been tried, convicted, and executed, as capital offenders.

Upon the subject of highway robberies there may be a difficulty; *viz.* that of determining whether an immediate fear is naturally impressed upon a reasoning mind.

If the violence that is menaced be at such a distance of time and place from the date of the menace, that it enables those who are threatened, by due precautions, to guard against the mischief, the extortion is not felony; but if it be so near the date of the menace, and if the menace be accompanied with such features of terror, as to make the party menaced give money under the impression of his fear, it is a robbery, and the punishment is death.

I therefore not only approve the commitments for these robberies and thefts; but I shall be very much hurt, if the indictments are not so shaped as to reach them where the evidence admits of it.

I trust, however, that some few and well chosen examples under each head, may be deemed sufficient indications and warnings of the Law.

Where the Riot is clear of those capital offences, I would also recommend, in policy as well as

mercy, a careful selection of Indictments, partly against active incendiaries, and partly against those in the mob who were most ready to be misled.

You will temper judgement with mercy, that is, you will be jealous in your demand of perfect and satisfactory evidence, before you *find the bill true*, especially in times of such unexampled calamity, and of such irritation.

You will meet this claim as it *should* be met, with exemplary but impartial judgment, with spirit, and good faith to your trust.

Mercy of another kind is that of determining what examples of capital punishment are necessary. The eye to the *example* cannot be too severe; to the *individual* it cannot be too merciful.

III. *Address to the Convicts, who were tried at the Cardiffe Great Session, upon the 8th of April,* 1801.

SAMUEL HILL,
JAMES LUKE,
AARON WILLIAMS,

PAINFUL as it must ever be for a Judge to pass the sentence of death upon those who have legally forfeited their lives, I never have experienced in this duty such peculiar feelings of personal oppression, as in contemplating *your* fate.

Upon other occasions the malice of the Culprit's heart, or the dishonesty of his life (as well as of the particular act which is capitally charged), braces the mind, and the nerves, to the duty of consigning, by judicial sentence, the offender to his doom.

But three individuals are now before me, who until the moment of this dreadful outrage appear to have led at least very unimpeached, and perhaps virtuous lives.

A sudden famine, or scarcity of grain, which of course made provisions dear to an extreme, gave the first alarm to your feelings; and many (I have no doubt) enlisted under the banner of artful incendiaries, with a fatally miscalculated hope that by *terror alone*, without *actual mischief*, a reform of the market price would be accomplished.

The cowardice of the inhabitants,—and the indolence or blind credulity of the Magistrates, after the first notice of a concerted enterprize against the peace of the Town,—a want of spirit in some of the parties injured,—and the general defect of police (in a part of the world that requires it the most), encouraged you to persevere.

Heated by your passions, and by liquor, you were more and more inflamed, at every new step, against the peaceful neighbours, till the whole Town was at the mercy of undisciplined violence.

It is true that no acts of *personal cruelty* appear to have taken place.

But, alas! at a moment like this, and with a reference to some very important features of your con-

duct in a *political* view, I am deeply concerned at the intelligence which I *must* impart—that I see no ground of hope for your exemption from capital punishment; though I shall rather give my *opinion* to the King, who is the fountain of mercy, than determine your fate myself.

I lament (and so must every observer who looks at the *moral* differences of guilt) that many of your incendiaries and ringleaders are to escape from *your* punishment.

Yet the warning of this very difference is not without its use. It will teach the careless minds and spirits of men what a peril they incur, in listening to those who make them act as the instruments and servile ministers of unlawful assemblies, for any purpose whatever.

The circumstances which imperiously demand an example of signal justice, and which have devoted *you*, as its victims, are these.

We have the heaviest of all calamities impending over this land;—an expensive and ruinous, though necessary war;—taxes, that weigh down the people,—and such a dearth of provision for the necessaries of life, as this Island had never experienced.

At such a moment, it is the duty of the Legislature to do what they are doing—to relieve the poor, as much, and as well, as human wisdom can alleviate their distress.

But it is no less the duty of Juries, of Judges, and of the Executive Power, to guard the lives and properties of men, against that *worst of all tyrants*,—a *rabble unlawfully assembled*.

It was represented by the Counsel for your prosecutors, that you, and others of your party, made use of the general calamity, as a mere colour and pretence for general havock and pillage.

I do not approve the distinction: for, whether it was the *colourable* or the *real* ground of your conduct, makes not a feather of difference in the guilt; and it would be dangerous to intimate, that where a hope to reduce the market price is the sole object, a *rioter* will be deemed innocent, who pursues that object by force.

Nothing is more unjust, than to be inflamed against a *market* because the general price of it is dear. One *may* suppose a particular *tradesman* dishonest in his avarice. A *market* is governed by such principles of mutual convenience between the buyer and the seller, that it cannot be fairly accused of artifice, or oppression.

But, if it could, it would be no reason for making persons who have not the least connection with it the sufferers; it would be no reason for striking a general terror into the neighbourhood.

This conduct is wretched *folly*, if it could escape from the imputation of *crime*. You cannot buy upon cheaper terms, unless by *compulsion*. Accomplish it by those means! and the seller is driven out of the market. Without him that is to sell, you will have nothing to buy; so that, instead of purchasing *at a cheap rate*, you will not purchase *at all*; instead of *living hard*, you must *perish* for want of necessaries.

But the worst part of this *folly* is the *moral guilt* that steals into the heart as the tumult proceeds,—and the *legal punishment* that is close upon its heel.

Your *object* was a reform of the market;—the *act* was plunder; and the *punishment* is death.

It is necessary to remark, that felonies like these are much *worse* than if they were *single-handed*, because they are more *dangerous;* and they are worse than if pointed at nothing else, because, when superior mischief is intended, the particular outrage that leads to it is likely to be more aggravated, on account of its progress to that superior and general mischief.

Your convictions are those of *robbery;*—and I see nothing to lessen the guilt of them in that view; but much to increase it.

Samuel Hill,

In the robbery of Mrs. *Bannister*, you obtained money from her by terror; which money was to feed the general enterprize at *her* expense, and was calculated for the purpose of adding fuel to the fire.

She had not raised the market price; and the robbery upon *her*, distinguished *you* from your companions, who would have taken less.

You made it the bargain of your protection against that future violence which you represented that you had the *power* to direct *against her;* but the *will* to direct *in her favour*, if she would pay for it with a guinea, which the terror of that very power obtained.

This was to say, in other words, " You *will* be hurt; and I will *not* protect you, unless I have the guinea."

You demanded that sum from *her*, " as being an Apothecary's wife, and because another Apothecary had given it."

This was to represent a general demand upon the inhabitants for money, at the peril of life, according to their stations and fortune.

What, in God's name, is this, but in effect, though in a different shape, to consider the Town of *Merthyr* as if it were an Enemy's Camp, which you had surprised, and rifled; or the Enemy's Garrison, which you had besieged and stormed?

Your apology for this outrage was that of men who rob on the highway, and plead their distress: " You were *poor*, you had *worked hard*, and *wanted food* many a day."

If that excuse for such violence could avail, we have (alas!) too many, who would claim the *right of being robbers* by necessities heavier infinitely than yours.

If you were poor, you must have known that, if you could succeed in repairing that calamity, it would be attended with general and lasting mischief to others,—to the very market that was to supply your necessities,—and the very employer by whom you were to be fed.

Those who sell at the market price, must buy in order to sell.

" You have a *right*," as you tell us, " to be fed." But has not the owner of goods in a waggon, or in

a shop, the *right of* selling *his* goods at the market price of the day, be it ever so high?

If he has, and you invade *his* right, what pretence have *you* to represent that you committed this injury to *him* as maintaining a *right* of your own?

It is the best rule of morality, that a man should put himself into *his* place whom he intends to injure, for his own benefit, and at *his* expence.

But what has the market of provisions to do with Mrs. *Bannister*, whose purse was made the victim of your plunder?

You have struck such terror into the witnesses, that I have not yet *(judicially)* discovered the cause alledged, or *cry* and *signal of the tumult*.

A very unbecoming prejudice appears to have taken place against one of the injured parties, and the most opulent of them.

It has been circulated, that his mode of paying his workmen goaded them to this outrage.—Nothing of the kind was in evidence before me; but, though I am no respecter of persons, and though I have intimated my disapprobation of that Gentleman's conduct in other particulars, I owe to him the justice of stating, that I can discover nothing in that arrangement, which derogates from the duties of perfect humanity, and perfect honour.

James Luke,

In the robbery committed upon *Sarah Williams*, you were to a certain degree intoxicated with liquor. But you acted with command of reason enough to execute mischief, and with considerable address:

you paid your money first; you took it back by force. You were told, in mercy, "that you were *not yourself*," and were desired, but in vain, to suspend your demand. Your answer was, "that you would pull down the house, if the half-guinea was not given back;" though you had paid it for the articles which you had carried away.

I cannot find any favourable character of you at *Merthyr*; but, if you had the best character there, habitually as well as recently acquired, it could not save your life, unless *your* share of the guilt admitted of distinctions in its favour.

Your character elsewhere, as given by one of your friends, was *too good*, and much too like that of *Aaron Williams*, with whom you are confederated, and with whom you are convicted upon a second Indictment, which, if there is a difference, makes another crime of *yours*, and more dangerous in its effect.

With *him*, you took, by force, provisions at your own price, and of the kind most likely to irritate, by inflaming, your companions—you took strong liquor, which incites the populace to worse extremities, and appears to have produced that effect.

Aaron Williams,

Your case is extremely aggravated;—you appear to have been very savage, and very depraved, as well as active, zealous, and violent.

You were all three of you workmen that were employed at the Iron Furnaces. *Your* conduct will create an odium against your fellow labourers, which

it must require a length of time and a series of the most exemplary behaviour to obliterate.

This too is very hard upon your employers, who are all of them sources of blessing to the industrious poor, as well as of general wealth in this country.

If I *could* restore peace to *Merthyr* without any punishment, or with an example short of death, I should bless the good Angel that would enable me so to re-instate their liberty and their happiness.

But it is not in *human* wisdom to reconcile example with impunity, or compassion for the *publick* with compassion to the *offender*, if his offence endangers public security.

In a better world, allowance will be made by Infinite Compassion for all human frailties; and penitence in this world can expiate worse crimes than yours to the supreme Judge of us all.

As I have reason to fear that upon my Report the Law will take its course, it would be false and perfidious mercy, if I gave you hopes of mercy in this world.

But of that which is in Heaven your hope will be assured, if you pass the remainder of your lives in contrition for the past—in prayers to Him that will hear them—and in a generous forgiveness of your prosecutors; who have taken part against you without personal malice, and from a sense of public duty, as well as in self-defence against *others*, whom *your* impunity would arm against them.

For *you*, my heart bleeds: but I am comforted by the hope that, in forfeiting *your* lives, the terror of that Law, which is mercy in its object, and mercy in

its end, will save *many other lives;*—that it will redeem *the liberty of the subject* (which is the birthright of a *government by law*) from *the liberty of incendiaries and rioters,* whose *government* is that of *the sword,* at the mercy of brutal passion—has no principle but the power and the will,—no measure but the appetite,—no leader but the impulse and caprice of the moment,—supported by terror, and superior to all feelings but those of self-indulgence at the expence of other properties, and of other enjoyments.

It is against *these principles,* which are the bane and curse of social order in the world, that so dreadful a punishment as that of death and shame united is the example which *your* offence imperatively demands.

They are *principles,* which have desolated the fertility of the moral world, and have made a wilderness of nations that enjoyed religion, virtue, and political independence.

The champions of such liberty have leveled all ranks in the dust,—have sunk and rebelled against all Governments,—have trampled their Saviour's Cross under their feet,—have derided, as well as abjured, their Maker and their Judge.

It is against *these principles* (and against *you,* as guilty of a share in tumults that are calculated for promoting them) that I am to enforce the legal doom, which is the penalty of your crime.

It is against *these principles* that we are fighting abroad, and pinched by such necessities at home—a *peril of life,* that we are called upon, as patriots,

to incur with enthusiasm,—*necessities* that we should bear with manly patience, the best of all courage.

What is that *peril*,—and what are those *necessities*,—in comparison to the system of murder and rapine, which is the pestilence and scourge of countries, that are flaming with anarchy and rebellion around us?

I have suspended as long as I could the sentence of the Law. Oh! that I could suspend it for years and for ages!—It must, however, be *delivered*, and I fear that it *must be executed*.

[The Judge then delivered the sentence of Death.]

Address to the Grand Jury, at Presteigne, in the County of Radnor, August 9th, 1803.

Gentlemen of the Grand Jury,

THE Island which it is our glory to inhabit (and prouder of it no time has ever made us) will soon present a very singular aspect.

The whole Nation is to be in arms—for each—and for all.

It will no longer be the doubt of a reasoning mind, that "*self-love and social are the same.*"

We shall perish ourselves, unless we defend those around us in every direction.

But that is not all.

The most animated energies of public spirit, and the domestic endearments of the heart, give a giant's force to this National host.

Party is at an end—though it is to that proud independence of political sentiment, which has given birth to parties in their day, that we are indebted for the individual sinews of the public mind at this hour.

Slaves to a Tyrant are sure to abandon him in their difficulties.

We are united, because our spirit is free,—and because power has interested affection.

We are *united*, because we have the sense to discern, that in the want of union alone was the Invader's hope to rivet his chain.

We are *united* by the *nature* of the peril, and by the *subjects* of its interest.

The nature of that peril is compressed into a very narrow compass.

It is—the inordinate ambition (stung by passions that border upon delirium) of an Individual, the ablest for mischief—the best armed with power to accomplish it—and the most unprincipled, that perhaps ever appeared in the world.

The *subjects* at stake are these:

1. We are now to keep, or now to lose, and for ever, *a Constitution of Government*—the wisdom of ages, and the best calculated of any that ever blessed the world, for the *Rights of Man*—well understood; not those of an Indian Savage, but of a moral agent—enlightened—civilized—and social.

2. We have a *King* to defend, who is a model of all the virtues that are the bonds of domestic life—whose banners of conquest are placed upon the altars of his God—and who is a living record of that

principle by which alone he reigns—"That all power is a solemn covenant of trust, for the happiness of the governed."

3. We are to save and cherish the estate which is our inheritance, and those acquisitions which our industry or talents have produced.

4. But, above all, we are to assert and vindicate that *spirit of honour*, the ruling feature of British character, which every one of us in some degree adopts and personates.

In place of these, what is offered?

A Government of *terror and caprice*, at the best.

It is to-day a *Government by the mob*—of all tyrants the worst.

It is to-morrow a *Government by the sword.*

What is to be our *Freedom?*

Let us interrogate that odious Miscreant, who told the Invader, that "God, after he had created *him*, rested from his labours"—with blasphemies like these, "*tiring*" but "*not satiating*" his ear!

What *Religion* is the Invader's Creed? We may learn it in *Egypt*, and from *his* banner there, which proclaimed *one God, and Mahomet his prophet!*—a Religion well selected by *him* who exterminated, in cold blood, thousands of the innocent *Alexandrians*, without respect of age or sex, because they were barriers to his aggression—a Religion well selected by *him* who poisoned the Hospital of his own wounded soldiers, to be rid of the incumbrance.

I trust you will not separate before you address the King, or give in some authentic shape a test or

pledge to your neighbours, that you are votaries of Religion—that you are champions of your *King*—that you devote your lives and your fortunes to the contest—that you determine to survive it with liberties unimpaired, or to perish upon the bed of honour, and with arms in your hands.

The *Calendar* will give you little trouble.

There is only one offender upon it; but of so atrocious a kind, that humanity shudders at the possibilities of such guilt.

We must not, however, so abhor the offence imputed, as to relax in the rules and principles of *legal evidence*, by which alone the offender can be reached.

I shall again state (in opposition to some recent authorities) my judicial sentiments, which are deliberately formed, and have convinced me (as I often have told you at this place) "that no man should be put upon his trial here, unless *you* are convinced of his guilt."

It is hard enough at the best upon the absentee, that he should meet a charge which has *your* sense of his guilt upon oath, before he has been heard; but it would be harder still—and more like the Revolutionary Codes of *Paris* than *our* merciful Jurisprudence, if that charge could ever be engrafted upon mere suspicions and probabilities.

Here again I recur to the Enemy's Law.—He tells us in *France*, that he can there suspend all the functions of Civil and Criminal Justice—that he can take them from Juries, and be himself the sole Arbiter—the Witness—the Advocate—the Judge—and

the Jury, against the lives, the fortunes, and the liberties, of millions under him!

Can we admit of any alliance with chains like these? And shall we surrender these barriers of innocence against power?

NO!—When this Trial (so guarded and benevolent) is taken away, and by force (which alone can ever touch it) there is nothing left us but *life* alone—which is due to the robber, and which *plank of the wreck* it would be infamy to retain.

Charge at Brecon, August 15th, 1803.

THOSE whom I have the honour to meet in this County and Borough are so eminent for their acute sense of national peril, and for their spirit in coping with it, — that I should affront their character, if I did not rather profess to coincide in *their* views of this awful juncture, than to suggest *my own*.

Your sagacity has well appreciated the *demand*, and the *sacrifice*. You have calculated well, that liberality, at such a moment as this, in your supplies to the National defence, is the soundest œconomy of your treasure;—that it may be compared with a single year's income of an ample and proud inheritance, paid as a *fine*, to make the *reversion* free, and secure for ever.

In the mountains that hang over this town, many a battle has been fought against the Oppressor;—

and there is not a ruined Castle for miles around the seat which I at present fill—that, if it could speak, would not have its tale of heroism to relate.

Nor is that spirit now degenerated. It wanted nothing but a *word of command;* and this CORSICAN has given it.

You are just going to meet for the purpose of an Address, in which I am persuaded, that every heart will meet in every hand.

But let me implore you to correct one error of judgment—in others—not in yourselves—(*you* are too enlightened for it), which is the bane of all enterprize, and of all efficient energies in defence.

We are lost—if it continues to be said,—"*He will not come—He dares not come.*"

It is wiser courage to say, "He *will* come—but we are *prepared* for him.—He shall come, to be vanquished, and thrown back with infamy upon the shore that sent him; or he shall come to perish, by the way, in that Ocean, which is the peculiar element of *British* fame and pre-eminence."

That he *will* come, appears to me as clear of doubt as any mathematical proposition: because I look at his *character,*—at his *power,*—and at his *interest.*

His *character* is the inordinate lust of dominion, stung by insolence of temper, and passionate resentment—

His *power* is unexampled in the annals of the world—

His *interest* is that of a *military despotism.*

His own subjugated and mercenary soldiers will turn upon him, if he does not cajole, and feed them with hopes of a share for *them* in the booty and partition of this new Empire.

If he is even *kept off* by our armament, is not *that* a point gained for us, though we had also calculated for the event of repelling him *here*?

If he sets his daring foot upon this Island, as I am convinced that he will,—*can* we be *too well* prepared for him?

But what are *his* preparations, and *his* armaments?

They are so many superfluous insults,—if he does not act upon them,—to those who hate him in *France*, and wish for his military dishonour, as the signal of insurrection.

Let us even suppose, that all his menaces are political delusions;—will they not be converted, by our contempt for them, into realities? And will not this contempt, in the shape of *neglect*, subject us, in the condition of self-disarmed and contemptible victims, to the very dangers we have despised?

That he will *risk much* in the Expedition, I admit.

That he will *risk infinitely more* if he touches our land, I am proudly assured, and confident.

But I am no less of opinion, that he would *risk the most of all*, if he should now sit with his hands before him, and forbear to make the effort he has pledged himself to make.

The more *we* can reprobate *him*, the better will be the chance for *Europe*, and for the liberties of mankind—inseparable from our own—to shake off this Tyrant of a degraded as well as conquered World.

Should this be accomplished, and by *us*, it will put the finishing stroke to the elevated character we have borne for ages amongst the Nations of the earth.

Your Foreman is a very young man:—He bids fair to reach the day, that will bless that Revolution; and will feel himself proud of the share he took in its principles at so early a period of his life.

The fund at *Lloyd's Coffee-house* may be adopted in miniature and with *local* differences here.

It *has been* adopted upon *local principles* in *Westmoreland*, by a man above all praise, for liberality of mind, political independence, and public spirit—the *Bishop of Landaff*.

I have a paper in my hand from *him* (for I have the inestimable honour of his friendship), which I beg to put into your hands, for a model, or a hint of similar provisions here, with a reference to *your* natives.

The object is, relief to the widows and children of those who perish in this great cause, and were born in *Westmoreland;* — relief to the wounded, and their families; or occasional encouragement and recompence to extraordinary merits and services.

Another topic, before we part, solicits my attention, though it refers to a local incident—but of a kind which cannot be resisted by me, without public, as well as private ingratitude.

The road which I took from the neighbouring Circuit brought heavily to my feelings a loss to me, which it would be impertinence to name, if I did

not think it in my conscience a loss of incalculable value to the whole circle of this neighbourhood.

The *Vicar of Clyro*, — MR. ARCHDEACON EDWARDS,—has paid the debt of nature:—"*He is gone to Him that sent him;*" his own parting words, and congenial to the tenor of his life.

He died, as he lived, in that humble sphere; but I am not afraid of calling him *great*, as well as good, unless trappings alone entitle the characters of men to such an epithet.

He was a man, gifted by nature with bright and powerful talents—a most enlightened scholar—an eloquent preacher—conciliating in his manners—friend and guardian-angel of the poor, both as feeding their necessities, and reforming their morals;—a sound and firm Christian—but mild and gentle to Sectaries of all descriptions—generous, and public spirited—humane, and benevolent—an acute and well informed as well as upright magistrate—affectionate in all the endearments of domestic life; and, at every turn of his pilgrimage in this world, "the noblest work of his God"—a man of perfect honour.

That such a man was not elevated in the Church, is a national dishonour. His accession to the Bench of Prelates would have dignified *them*, and would have added nothing to *him*, but new channels of benevolence and public spirit.

As the friend of that Church, which is now so endangered *(without and within)*, I cannot form a better prayer, than to supplicate Heaven, "that all the Ministers of it, high and low, may emulate *him*."

Charge at Cardiffe, August 22, 1803.

Gentlemen of the Grand Jury,

WHEN I contemplate the general fertility of your soil, and the unexampled return of its present harvest, I cannot forbear to exclaim, in the words of the Roman Poet (stripping them of their poetical habit, and retaining the sentiment unimpaired)—

" *Shall an impious army take possession of land so cultivated!*

" *Shall a barbarian be the reaper of this corn!*

" *See for whom we have sown our fields!*"

Here the Poet has left us—but *we* can fill up the canvas—and *we* can give the answer to *his* questions.

" *For whom!*"—are we asked?—History will tell us, and puts *her* seal upon it.—For those, who will tear from your peasants, under the mask of tribute, or subsidy, the indefinite claims of unbounded avarice—will rifle their cottages, and, when plunder has been satiated, will set them on fire—commit outrages upon their daughters and their matrons, too shocking to be named—set their trampling foot upon age—and pollute, with savage insult, all the decencies of life.

I give you this picture, to anticipate your abhorrence of the features;—and your determination, that

with Enemies like these you will hear of no compromise, till every musket, sword, and pike, shall be wrested from those gallant Volunteers (the hardy and spirited birth-right of your soil) whom you are in the act of arming for the defence of all that is dear and sacred in human life.

Turning, from your *lands*, to your *manufactures* and your *commerce*, I feel no less indignation, at the humiliating image of mercantile instruction to a victorious Tyrant, by the surrender of your implements, and prostitution of the artificers.

When I explore, and with grateful respect, the diversities of *religious opinion*, which have separated, but without enmity, our Protestant faith, in this part of the world, into *Churchmen*, *Dissenters*, or *Sectaries*, competitors in zeal for their God, and their King; I shudder at the exchange of that noble independence, upon so critical a subject, for *his* Religion, who was an Atheist at Paris, at Rome a Papist, in Egypt a Mahometan, a Military Pope at Paris again; a Jew in that *Parisian* Synagogue whose imprecations against this Island he has gratefully accepted; and a kind of demi-god at the City gates upon the Coast, which have told him, "that, after he was created, *Providence became superfluous!!*"

When I look at the *old Families* of this County, I am too proud, for *them*, to endure the idea, that *birth* like theirs can be ever bound in chains to a foreign despotism, or can ever grace the wheel of its triumph here.

When I look at the *new men*, whom I revere no less, and whose talents or labours have invested them with claims upon the *soil*, as well as the *market*, I call upon *them* to sustain their double interest, with undivided energy and spirit.

You have an extent of Coast, which exposes *you*, in a peculiar degree, to the Invader's attempt; but I am confident that he will not find one inch of that Coast *unfortified*. I am not pointing at those barriers of military art, upon which intelligent Officers may have differed; but *my* allusion is to *the forts and the redoubts of British valour*, erected in the shape of that valour alone, by men who determine to be *the last of the conquered*; and who are sworn, by a tacit oath, to refuse a gift so despicable as that of life, at the expence of liberty, and of honour.

I have been much gratified in reading your *Address to the King*. It was prepared, as I am told, by a gentleman who does this Court the honour to be one of its Officers—your present *High Sheriff**. It is, in my conception of it, most eloquent, animated, and constitutional. It reflects the highest honour upon the pen by which it was framed, and upon the sense of the County by which it was adopted into *their* signature.

I approve and commend your determination to raise the military complement of your Volunteers, required, by the Law, to exempt you from its compulsory measures.

As to a Subscription for the general purposes of

* John Morris, of Chasemont, Esq.

countenance and supply to this National object, and for special exigencies that may bear upon it (whether contemplated or unforeseen), *you* are the best judges of all such arrangements, and it would be impertinence in me to offer advice. But, with every due submission to your better means of knowledge, I cannot help suggesting, whether it may not be deemed eligible that a *general fund* should be put into honourable hands, for *the support of the cause;* and that a more special one should be appropriated for the purpose of relief to the widows and children of those *born in this County*, who die in the field; of relief to the wounded, and *their* families; or of encouragement and recompence to extraordinary merits and services: an expedient adopted in *Westmoreland* by the sagacious and spirited mind of your Diocesan, *the Bishop of Landaff*. *My* view of it is, that of considering it as an additional spur to the Volunteers.

We are all speculators and politicians, at a moment like this, on the subject of that Coast which the Invader is most likely to select. It appears to me the safest conjecture, that his first impression will be upon the *Sister-Island*. But *there* he will find an impregnable fortress in the memory of that recent outrage, which robbed an able and virtuous Magistrate* of life.

The ways of Providence, in this world, are too mysterious to be fathomed by the human intellect;

* Arthur Lord Viscount Kilwarden, Chief Justice of the King's Bench, who, with his nephew the Rev. Richard Wolfe, was dragged from his carriage, and murdered, July 23, 1803.

but we know they *are* (because they *must be*) wise and good. History will tell us, that visitations upon the innocent and meritorious are often approved, in their effect, blessings of incalculable utility. The sword that was dipt in *Lucretia's* blood gave *Rome* its liberty. The massacre of the *Hugonots* at *Paris* gave new energy to our Protestant faith, in all parts of the world. The judicial murder of *Sidney*, and "*Jefferies's Campaign*," gave us the *Revolution*. The infernal outrage of that night in *Dublin* will be an army of champions against the Foe, whose enmity was base enough to co-operate in the assassin's work.

Where, Gentlemen, is my Calendar? It is not in my hand; it is a perfect blank; there is not one prisoner for trial. It is another and signal proof (in which *your* merit is a most brilliant part of the evidence) that our Constitution, which is the envy of the World, has *the charm* (for I can give it no other name) of reconciling *political independence* with *legal morality*, and the discipline of exemplary obedience to legitimate Government with high spirit, no less exemplary, when the National voice of honour calls it forth.

Charge delivered at Presteigne, April 3, 1804.

Gentlemen of the Grand Jury,

HAPPY would it be for those who are assembled in this Court, and for the circle which they fill, had we no victories to obtain over human

depravity, but those of Criminal Justice in this part of the Island.

There is *no Calendar.*

It is the habit of this County, and much to its honour.

Judicial Policy, well understood, is an implement of the most enlightened benevolence. Its terror is that principle of *Mercy*, which is actuated by a generous hope to avert the future crime.

When certainty of punishment has been so impressed by the former examples of it as to supersede the necessity of repeating them, good order and police have attained their utmost perfection. The local and resident Magistrate, whose habitual exertions co-operate with a reform of the moral habits in the attainment of this political blessing, deserves the most brilliant wreaths of public honour, and will at least insure to his character that proudest of all tributes, the confidence of his neighbours in his public virtue.

But a Giant's arm of calamity and mischief, originating in a defiance of those principles which in other times had *moralized* even the *enmity* of Nations, impends over us; an arm which no shield can repel, but that of heroism in the field.

Since I told you in the Autumn of last year "*that all Britain was to be in arms,*" that miracle has been accomplished, and *you* have your share in it; a band of *Military Patriots* have sprung to the National defence, as if they had risen by magic, devoted in the cause, and panting for the conflict.

Every male, of a competent age, rank, and spirit, has taken the new stamp of a Soldier's character, for himself and for his neighbour; the young for the old, and the strong for the weak; eloquence animating, and wisdom regulating, this high spirit. The purse has been opened in aid of the sword; the intellect and the heart have united their zeal, for the *Altar* and *Throne*, for the *Liberties of Europe*, the charities of domestic life, the moral interest of Justice in the world, and the dignity of the human character.

Many Parents claim this offspring; but they are flies upon the wheel that makes the dust.

We have to thank for it the *Constitution of the Government*, and the *Genius of the National Character*.

As a feeling heart must ever deprecate the effusion of blood, one cannot but lament that *our* Enemy has no *taste* for legitimate power; that he has no conception of that generous pride which has the courage to put fetters upon itself; that he would refuse to reign, if he could not make the lives and liberties of Men passive instruments and victims of distempered caprice, jealousy, and revenge; those piercing thorns, which are inseparable from a Tyrant's bed, as well as throne.

When I addressed you last year, I reprobated with scorn the mockery of his *Trial by Juries*, accompanied by his power to supersede them at a word, or by a nod. But, in the most wanton scope of conjecture, I never could have imagined what the

last month has brought home to us all. I conjure you to mark it with pride in the contrast, and with abhorrence of the Tyrant.

A conspiracy against his life has been stated *by him*, and prejudged (of course) in every form of state (one of the conspirators accused being of high repute, stained with no crimes, and the most formidable competitor of his military fame). This *Titus* of the human race tells his *children*, " that *he* has no fear; that, armed by *their love*, he consigns these *incendiaries* and *levellers* to the mercy of the Law!!" words that have scarce issued from his lips, before a mandate *escapes* from him, in which he appoints a new tribunal of his own creatures, and confers upon them indefinite power, to rid him of those men.

The sword had scarce been sheathed by *the Peace of Amiens*, when a conspiracy against *our* King's life, and that of all his race; for the entire subversion of this Government; and for a new *Revolution*, upon *French* principles, was detected, and was punished, without any convulsion of the public mind, and without any removal of a single barrier in defence of the accused; who in the Code of *British Law* (inverting that of *Paris*) finds the guards of legal defence multiplied in proportion to the enormity of the imputed guilt.

But another branch of the contrast is of ten-fold importance.

In a few months after this transaction, a man of eminent abilities, and of excellent character, a sub-

ject of *Louis the 16th*, and an emigrant here from the tyranny of the *First Consul* (who had usurped *his* throne), disgusted by his tyrannies, wrote an eloquent and an able invective against him—but in which he degraded those abilities, and that eloquence, by an appeal to the *dagger*, instead of the *sword*. This man was prosecuted in *our* King's name, for that offence to *the First Consul*, then upon terms of amity with *us*, before *the Chief Justice of the King's Bench*; and, though defended by eloquence unparalleled, was, under the direction of that enlightened Magistrate, convicted, by an *English* Verdict, as guilty of a *Libel upon our Government*.

What is the return for it? The same *First Consul* is now in the act of branding the same *British* Government, as accomplices in a design to rid the world of *him* by an *assassin's* arm! An imputation so depraved, has never stained the annals of the world.

It comes from *him*, who has fomented all the *Regicide conspiracies* against *our* King and Government.

But *against whom* is it levelled?

Sitting, as I do, in a Court of *British Law*, Civil and Criminal, which affords redress to the poor as well as the rich; in a Court, which guards with jealousy the peace of the social world, as far as its limits extend;—living, as I do, in the single Country of the inhabited earth, which, in the ruins of desolated *Europe*, is an asylum to the oppressed—

I should be unworthy of those elevated privileges, if I did not rescue the *Genius of Britain* from this atrocious calumny, in which the calumniator would pollute with his own crimes the Enemies who have rallied against him with courage and with honour.

It is natural for *Tyrants* like *him*, elevated by rebels into military despotism, and sustained by *terror* alone, to shudder when the poisoned cup is returning to their lips; to be alarmed at *the falling leaf;* and see a dagger planted in every hand. But *we* can speak, and think of the *assassin*, be his cause what it may, with a just and with a dignified reprobation: the very murderer would be sacred here, up to the moment of his legal doom.

Against insults and menaces like these, after an appeal to the *God of Battles*, we shall best avenge the National character by weapons congenial to it, in the field of honour, by those proudest heir-looms of British inheritance, *freedom, hatred of all tyrannies,* and *spirit unsubdued against all oppression.*

Address to the Grand Jury at Brecon, August 6, 1804.

Gentlemen of the Grand Jury,

YOUR public spirit has erected such a barrier in this County against the menaced invasion of the Island, that you could spare detachments of

your force to your neighbours upon the Coast, if they should be endangered; aware, as I am sure you will ever be, that in this great conflict your *neighbour* is *yourself*.

It may be affirmed, that never, since Britain made a figure in the living map of the world, has existed such an arduous trial of that *good sense*, which is the most prominent feature of the National character.

The subjects of this Island have been challenged, by the public voice of a common danger, to give us all the advantages of a military government, without peril of that military despotism, which is the *new style of Liberty* in *France*; and with as little fear of that mutiny in battle-array, which has been overcome in the Sister Island, but after a desperate convulsion of its principles.

Not a feather of right has been touched that Freedom could wish to retain at a moment like this; not a power is impaired or withheld, that sober and legitimate Government could wish to enjoy.

Disdaining to ask who are the instruments of the Executive Power, and who are their adversaries; perhaps at a loss now and then to ascertain the policy or the sense of the Legislature in its minute and subordinate arrangements; you have looked straight forward at the main object, which is a determined support of the National independence, and of your own personal honour.

Continue to be upon the alert; and it becomes an idle problem of speculative curiosity, whether He

who has trampled upon all the rest of the world, shall dare to set his foot upon this Island or no.

The suspended effort must expose his military fame to a contempt which his new titles (of aggrandizement and of murder) will rather inflame than disarm.

Let him come! It is the knell of his ambition, the forlorn hope of his implacable aversion to the noblest creatures that ever animated public virtue—the inhabitants of *Great Britain*, who resemble the Constitution they love, and are prompted by its genius to renovate by their example the liberties of Europe.

Let him come! And we have *Soldiers* for him, who will be jealous of the fame atchieved by the Heroes of the campaign in *Egypt*.

We have *Sailors*, who emulate the *gallant Admiral before me**; a man who serves his country at this hour by his Naval example, though he enjoys a dignified repose under his laurels, with a personal character as much beloved as it is admired.

Before I comment upon *two words* in the Calendar, I cannot forbear to give you joy of your new Bishop †. From all that I have heard of him, he bids fair to reflect the highest honour upon his appointment. I am told that he has already noticed and preferred some of those who have taken upon themselves the useful charge of educating youth; and that amongst them he has not overlooked a gentleman of this town, whom I name to do him

* Admiral Gell. † Dr. Thomas Burgess.

honour, *Mr. Griffith;* a person whose claim on preferment would have produced it ages ago, if it had been pressed for him as it should have been, but who has enjoyed (and perhaps preferred) a life *self-adorned* in the dignified simplicity of its habits and principles.

The *two words* in the Calendar, are the two names of the Gaoler.

I was in hopes never to see them upon such a paper again.

An habitual, impudent, and incorrigible *drunkard,* is that Officer known to be; familiar to the habit of *negligent escapes;* and the object of a solemn presentment by your predecessors, for the escape of a capital felon, the very day prior to that which had been appointed for his execution; in other words, for the example of his fate.

But I have more objections, and much heavier, to urge against him. I take them not upon credit, but I lay them before you to solicit your inquiry into the facts.

If they are true, I have no doubt that you will present them; and the Sheriff, who is answerable for his Gaoler, will meet with open arms our united efforts to put this part of the Police upon a better footing.

A gentleman, whose name is *Neild,* was the Sheriff last year for the County of *Buckingham.* An *English* Judge of a serious and steady character, gave that County joy upon the Bench, for its acquisition of such a philanthropist in such an office. He bears a very high character.

Like the immortal *Howard*, he visits gaols in hopes to reform them. He visited this gaol in September last. He made a note of the facts.

A part of that note, with his name to it, found its way to a Magazine *. The book is in my hands, and I have the honour to put it into yours.

The same gentleman has communicated other parts of his note in manuscript under his hand. I have brought it with me, and request that you will honour it with your attention.

He reports in these papers, that in the County gaol, and in September 1803, he saw WOMEN HEAVILY DOUBLE IRONED.

I am here informed that under this oppression they suffered for a period of at least a fortnight.

The security of a gaol against an escape should arise from the construction of the edifice, from the regulation of its police, and from the attention of its officers, not from unconstitutional means to supply essential defects.

The police of a gaol, which authorises the use of irons for the custody of the other sex, deserves to be reprobated with horror.

It is illegal, because it never can be necessary; and so cruel, that, if these creatures had ended their sufferings under this oppression by death, it would have been *murder in the gaoler*.

What is the apology for those irons? I have been told, "these were two desperate women, who had menaced an escape from the gaol by the act of breaking it!!"

* See in Gent. Mag. vol. LXXIV. p. 102.

Let me put this question to the good sense of those who hear me—What must be the gaol, and who the gaoler, that can render it necessary to meet such a danger with such an expedient? Can humanity endure that such a defect of the gaol, or such a negligence of its intrusted officer, shall plead as an excuse for tyrannies like these?

Mr. Neild has added, that he found these women *half starved* and *half naked*; that he found them robbed of the King's money, as it is called, which is 2*s.* 6*d.* a week, given to convicts under sentence of transportation.

I am told there is a doubt if this allowance can be made by the Auditor in Wales, though it is the course of the Exchequer. But I have no scruple to affirm, that it is impossible to withhold the analogy of that allowance from these Counties; and the experiment should at least be made.

Whatever new arrangements may be necessary to guard against this peril, the County is rich enough to afford them, and you will recommend them.

I am told, that against the supercession of this gaoler one plea is urged, that, although he is a disgrace and scandal to his trust as an officer of police, he gives the Sheriff good security against the escape of debtors.

I have two answers to this plea; one of them is, that a Sheriff is answerable for the custody of criminal prisoners.

But I can give the Sheriff a hint of an expedient by which he can be secure; he may employ *his*

gaoler for the debtors, who may be and should be kept apart from the felons; or he may imprison the debtors in a gaol of his own.

The Gentlemen of this County are as intelligent as they are public-spirited; they have generous characters, and they execrate oppression; against the foreign tyrant they have marked a determined hostility; and I trust they will be animated no less against all tyrannies at home. Nor can I imagine a worse tyrant than a gaoler undisciplined, in a gaol ill constructed, and ill regulated.

Address to the Grand Jury at Cardiffe, August 13, 1804.

Gentlemen of the Grand Jury,

THE feelings of the heart are often too proud for their interpreter;—expression fades before them.—Such feelings are mine: but there is a language of gratitude, which may be felt, and may be understood, though not imparted by words: it is to be found in the *imitation* of those who *commend*, and whose praise is cherished, because they deserve it themselves—beloved as *friends*, and revered as *guides*.

Another year of suspense, and of mystery, has enveloped this Island—the menaced Invader (like *Death*, in the words of the Poet) *shakes his dart*; but keeps it in his hand. What has given birth to

delay in the distempered visions of his mind (resembling those of the Tyrant in *Bosworth Field)* the mad caprice of his ambition can alone develope to the world—but, whatever it is, we are no dupes to its craft—he has made *soldiers* of us all; and let him take *the Fort,* if he can find *one* sentinel asleep!

In the mean time, every new day opens a new page in the savage and gloomy volume of his character: without *calling names,* it is enough to say of it, "that it is no *British plant*—that it is not congenial to *our* soil—that we have no taste for a self-interested ambition—that we have an obstinate relish for the security of rights—and that we are prejudiced advocates for a balance of powers in a limited Government."

Amongst a thousand crimes which the interval of these few months will have attested, there is *one* so prominent and so glaring, that it never *can* be *forgiven* by generous minds—it is the murder of an illustrious and promising youth, by a coward, as well as a tyrant, for no crime but that he was the last hope of a race consecrated by genuine heroism. He has cut off at one stroke of his infernal policy, the living honour of a name that rebuked his own—the name of CONDE'.

But let the *Pope,* that solemn prostitute of servility, and of cowardice, transfer his diadem to the Idol of *Paris.*

Let all the Kings of the earth, *but our own,* fall down before him! yet from his *name,* hereafter, the

wreath of a *Hero's* character must be eternally withheld. From the definition of that character, simplicity of good faith—an elevated sense of honour—and generosity of sentiments, cannot be separated.

I have heard this Adventurer called *great*; but I have spurned the counterfeit, and have despised the herald: there is not a *Country gentleman*—there is not a *Peasant* of this Island, the self-enlisted champion of its liberties at the expence of domestic enjoyments and repose, who is not in the eye of reason, and will not appear to after-ages, more elevated and more dignified than such a Demi-god of sycophants at *Paris*, with all their blasphemies around them.

Shall *he* be called "*great*," for whom the *Poet of Nature* seems to have drawn this portrait?

"*He* has no sweet oblivious antidote,
To cleanse his bosom of that perilous stuff
That weighs upon the heart—
Some think he's mad—others, who lesser hate him,
Do call it *valiant fury*—but for certain
He cannot buckle his distempered cause
With any belt of rule.—"

Heaven grant that it may soon be added of *him*, as of the Poet's Tyrant,

"*He's ripe for shaking*; and the Powers above
Put on their instruments."

In the mean time, proud indeed is the moral contrast, and proud for *us*, between our Island and his Continent. *France* was never more unprincipled,

more dissolute, or more turbulent, in domestic, social, and moral depravities. Never in this Island has the beauty of its internal order been so pre-eminent.

It has been, however, the dignified policy of the Legislature, at this hour, to redouble its guards against all *tyrannies at home;* and there is no such tyrant as the victim of his own turbulent passions.

I have a Law in my hand, known by the name of *Lord Ellenborough's Act*—it is only one year old. It sounds intemperately severe; but mercy is its object, in the shield it spreads over the peaceful against the turbulent.

It has been a dead letter as yet in this Country; but I have two reasons for the wish to circulate, without a moment's delay, the awful penalties of it here, and at this hour: first, because in the neighbouring County of *Brecon* a man has recently been tried for a capital offence introduced by that Statute; and in the next place, because tumult is more prevalent in this part of the *Circuit;—not* indeed so prevalent as to be marked with asperity, when its population is considered, and the armies of its labourers; — but familiar enough to be admonished in mercy, and rescued in time by the warning of Magistrates. By this new Law, if a man attempts to fire at his neighbour under circumstances which, if death followed, would be murder —the *attempt alone* is a capital offence.

By the same new Law, if he *cuts or stabs,* though his victim should escape, who would have been *murdered* in the eye of the Law if he had

perished—*the wound alone*, thus inflicted, forms a capital offence.

I observe an *assault*, at the head of this *Calendar*, upon an Officer of Revenue: these are often desperate cases—the assailant is generally *armed*—let him read this Act, and shudder at the consequences!

I am sorry that I cannot at this time, as I did last year, give you joy that our *Calendar* is a perfect blank.

There are *three Capital Offences*.

Two are of the same description;—that of stealing cattle.

You will, of course, give a minute attention to the evidence respecting the *identity of the animal* found and lost. You will also critically examine the circumstances of the act imputed as criminal; especially as upon the face of the commitment one of the facts bears the aspect of a *misdemeanour*, in taking back the offender's own property, when the Sheriff's hand was in possession of it.

You will also be upon your guard in requiring strict evidence of privity in possession, or, in other words of conscious, and of guilty possession.

The other and third capital felony is that of stealing notes *from a house*, and the notes of such value, that, if taken *from a house*, the offender is to suffer death. You will not find the culprit guilty in that extent, unless you can trace access to the in the house mode of the imputed theft. If the notes, for example, were found upon the party accused, that possession alone proves a felony in the mode of acquiring it, unless it can be explained as

innocent and legal; but it will not prove the *capital offence* of taking the notes *from the house*, unless there is pointed evidence to that effect.

These cautions of mercy discriminate the Jurisprudence of *Britain* from that of all other Nations in the World.

Juries are Guardian-angels over them:—but the rights, and their champions too, are at stake, in the conflict that hangs over us—they are doomed—they are hated by the Tyrant:—let us die, before we surrender them!

Charge to the Grand Jury at Presteigne, on Tuesday the 11th of April, 1805.

Gentlemen of the Grand Jury,

In addressing *you*, I call upon humane, enlightened, and public-spirited men, for their help to me in the painful trust which is apportioned between us.

You are interposed, by the Constitution of this merciful Government, as friends and guardians of Liberty and of Innocence; you are to save them from the peril of holding up their hands at this Bar, if the Accuser deserves no credit, or has not strength enough in his evidence to reach the point at which he has aimed. You have made a covenant (though by a tacit agreement) with all Prisoners accused before you, but unheard in their defence, and person-

ated only by the evidence against them. You have made a covenant of a more elevated kind, with a God of truth, whose Ministers you are, and in whose presence you have taken a very solemn oath. What is that covenant? It is, to be merciful if you *can* —to be firm, if compassion is perjury, and a violation of your trust.

I am to address men so described, upon a subject of a most awful and melancholy nature. It is upon the guilt of Murder—the Culprit (one's heart bleeds at the recital) a girl whose age of *seventeen* is annexed—and the victim, as it is alledged, a new-born child—her own illegitimate offspring—born as well as conceived in shame, and therefore making with its infant cries a more eloquent appeal to the mercy of that female parent, as well as to the fond impulse of maternal attachment inseparable from the essence of her office, and implanted by *the Parent of us all* in her bosom.

Whatever shades of mitigation the God of infinite mercy, in the councils of his unfathomable wisdom, shall have destined for this class of murder—which bears not the least analogy to other homicide—the Laws of this Realm have made no distinction of mercy in its favour. They *were* (and for near two centuries) more severe upon women accused of this crime than upon men accused of any homicide whatever. It *was* the enacted provision of those Laws, that concealment of the birth, on the part of the female parent, should operate as proof that she was guilty of the murder imputed, if she could not prove that her child was born dead.

This enacted Law is recently done away: but I, who will yield in principles of mercy to none, am not yet ripe for the conclusion, that, arraigned as it has often been for its cruelty, but administered, as it was by the Judges, in that spirit of mercy which is a vital branch of their office, it was not salutary in the terror of it—and I am not as yet ripe for the conclusion, that, as the Law is now understood, sufficient care has been taken of the helpless infant, who is the offspring of incontinence or of seduction, brought secretly into the world. Cases occur to me, but I will not point them out (and love society much too well) in which the murder will escape.

Distinctions, however, still prevail, which are powerful barriers against this baneful crime. The *concealment of the birth* is material evidence against the mother, because it indicates the wish to guard against the shame of the illegitimate birth. It is, nevertheless, though competent and material as far as it extends, *presumptive* ground of inference (alone), and may be counteracted by another *presumption*, which is, that Nature would prompt the mother to save her infant's *life*, though desirous to conceal its *birth*. If it stood upon these two *presumptions* alone, the merciful one is the safest, and perhaps in Philosophy is the most correct of the two. In truth, however, these contending *presumptions* on both sides depend chiefly for their weight upon a due and sound comparison of them to the other and leading facts in the evidence before us.

Your province in general is, to enquire if the Culprit was the mother of a living child, and robbed

that infant of its life, either by her own hand with a design to kill it, or by an act both wilful and criminal, which has killed it in effect. I take the opportunity of stating the distinction last mentioned, in mercy to other young women, who may be seduced into the delivery of an illegitimate offspring in secret. They are to know, that, if they expose their child when living, and it suffers death, or if they deprive it wilfully of sustenance in their power to bestow upon it, and it perishes, they commit as palpable a murder of that child, as if their own personal hand inflicted the death's wound. But, in so dreadfully penal a case, you must be thoroughly convinced, that life, previously existing, was destroyed by a wilful act of the parent, either as the act of killing it, or as an act which must in its nature have been calculated for that result, whether intended for it or not.

This inference may be collected from *circumstances*, without ocular evidence to the living child, or to the mother's crime in killing it. But they should be circumstances which preclude every other supposition. I will put one case for illustration. If a child is found in a certain place which cannot with delicacy be named, with no marks of external violence, and where no evidence appears against the mother, except her concealment of the birth—it has often happened that she has been acquitted, because women are liable to the accident of a delivery *there*, which has perfectly disabled them to save the infant.

It certainly is no legal excuse, that fear of the consequences—remorse at the illegitimacy of the birth—or a sense of delicacy and of shame, were the motives to so desperate an extremity. If stings of this kind may be called *frenzy of the moment*, they cannot exculpate, unless they have obliterated all traces of moral distinction between right and wrong. If any such case appears, you will act upon it; but it would be a dangerous and false mercy to infer it as of course, and presume it.

Confessions of the parties accused are too often received in these cases, when they have been most unduly obtained by menace, or by the artifice of tampering with hope. I conjure you to repel confessions thus obtained. Many are the cases where the influence cannot in strictness be called external, but results from the situation itself. I should be happier, for one, if no party accused could be *heard* before his time. I must, however, add, that confessions, however obtained, if they terminate in discoveries of the fact, are competent, as leading to such discoveries, and are no bars to the weight of the fact so discovered.

There is a familiar experiment in these cases upon the lungs of the child, when detached from the other subjects of the dissection, and placed upon water. I have no judicial knowledge whether it has been made in the case before us, or has been omitted. It should always be made, and for this reason: the result, as evidence *against* the Culprit, is equivocal, and I should ever deem it improper to be received.

But, if the lungs had *sunk*, it would have been decisive to shew that it was a child still-born; for which reason, the poor creature in your hands had a just claim to the benefit of the experiment in her favour. I, for one, am so confident upon that subject, that, upon the fact of such an experiment and result, I would at any time feel courage enough to direct an acquittal.

The appearance and state of the wound, if any wound has been ever inflicted, are material circumstances, as indicating life since the birth, and accident or design as the cause of the death.

There is one peculiarity in this class of murder. It is nothing, or it is *murder*. It cannot be *justified*—it cannot be a case of *self-defence*—it cannot have arisen from *provocation*, and therefore it cannot be *man-slaughter*. But these very peculiarities heighten the merciful presumption, that a mother would feel her natural impulse to her child irresistible; which presumption is counteracted, however, in some degree, by the other which I have intimated, *viz.* that which arises from her *fear* and *shame*.

Character here is at best equivocal; and *it may* encourage the inference, that, for the sake of preserving this character, the guilt was incurred.

It is a most painful dilemma to the best feelings of the heart, when cases like these come before us. But we must not overlook the danger of impunity—the compassion which is due to others, whom the escape of this Culprit may seduce—or the solemn oath we have taken to be just. I am not afraid of telling

you, that offences like this are of late become prevalent; and that a Culprit has recently escaped from her doom, whose crime, in local vicinity, was near to the scene of this. It will, on the one hand, induce you to be firm, if the exigency is imperative; but it will guard you against all prejudice resulting from the policy of example: we must not redress the over-merciful impunity of yesterday by the over-strained conviction of a similar offence to-day.

Three other offenders in this Calendar have been committed upon charges for a capital offence.

One of them is the guilt of stealing value beyond that of *two pounds from a house.* The sum is just above that criterion which discriminates between the refusal of Clergy, and its benefit. You will, therefore, I should hope, find the value under the mark, if you have a reasonable ground for the abatement.

In *burglary*, or the felony of stealing from a house, you will require evidence of the Culprit's local access to the house, before you extend the charge to that inference; and you can still find the Bill true for the subordinate felony of *stealing*, without reference *to the house.*

In the case of *sheep-stealing*, you will require clear evidence that it was *a theft*; and was not either trespass, or mistake of right.

I consign these four lives into your hands without fear—convinced that we shall hear of them no more as criminal, if you are not sure of their guilt as far as your enquiry extends—and convinced no

less that, if you are thoroughly possessed of their guilt, no effeminate and vicious mercy will shake the public spirit and courage of your trust.

Address to Mary Morgan, convicted at Presteigne, on Thursday, April 13th, 1805, of murdering her Bastard Child; and who was executed on the following Saturday.*

MARY MORGAN,

UPON evidence which leaves not a shade of doubt in the mind, you are convicted of murdering your Child, a new-born infant, of your own sex,

* That Mr. Justice Hardinge was deeply affected by the case of this unhappy young woman, appears by his admirable Letter to Bp. Horsley, in the Third Volume of "Illustrations of the Literary History of the Eighteenth Century," p. 127; and by the humane steps which he took in consequence of it, by the aid of some of the most eminent Physicians and Surgeons.—He also pathetically lamented her fate in the following effusions:

MARIÆ MORGAN—EPITAPHIUM.

O defienda, vale! nec virtus flentibus obsit!
Nata in virtutem! Religione carens!
In flore ætatis vitiosa, et conscia mater,
Impia concepti criminis arma gerens!
Prodita, nec sperans prolem servare paratam,
Celati trepidans victima concubitûs.
In sceleris testem vindex ruit—occidit infans;
Debita supplicio flenda *Maria* perit.
Morte luit pœnas humilis, vultuque modesto,
Spe super alta volans, et pietate valens.
Flete illam similes ipsæ, formâque superbæ!
Admonet in tenebris umbra; "*Timete viros.*"

the offspring of your secret and vicious love;—murdering it with a knife, selected as the implement of a purpose deliberately formed before its destined victim came into the world,

Your hatred of this little innocent sufferer could not have been your motive. It never offended you, and was therefore no object of resentment.

It is true that, if the child had lived, it would have proved your crime in its birth; and your shame would have been the consequence of that proof. But was this a reason to kill and murder it? If its first cries to you (its natural parent) for sustenance and care made it by force your living

ON SEEING THE TOMB OF MARY MORGAN.

Flow the tear that Pity loves,
Upon *Mary's* hapless fate:
It 's a tear that *God* approves;
He can strike; *but cannot hate.*
Read *in time,* oh beauteous Maid!
Shun the Lover's poisoning art!
Mary was by Love betray'd,
And a viper stung the heart.
Love the constant and the good!
Wed the Husband of your *choice,*
Blest is then your Children's food,
Sweet the little Cherub's voice.
Had Religion glanc'd its beam
On the Mourner's frantic bed,
Mute had been the tablet's theme,
Nor would Mary's Child have bled.
She for an example fell,
But is *Man* from censure free?
Thine, *Seducer,* is the knell,
It 's a *Messenger* to thee.

accuser, could this be a reason to hush those cries, and stifle that breath of the unconscious witness against you with a knife, and with a murdering hand?

Had it lived, you might have lost your place; you might have lost other places; you might have sunk into poverty, as well as into shame. But was this a reason to kill the infant? Was it a reason to acquire a false character, with a guilty conscience upon your pillow, and cries of the murdered infant at your ear?

When did this fear of shame and poverty begin? Was it an obstacle in the way of your criminal intercourse with your lover? No; when you had criminal passions to indulge, and criminal pleasures to enjoy, you had no fear of the risk. When those passions were satiated, and those pleasures were accusers in their bitter fruit; *then* you became such a coward, that you have sacrificed your infant's life, the peace and the interest of your soul here and hereafter, to that new-born fear.

Alas! how dreadful are the *landing-places* of guilt, when it ascends in its progress! You began with incontinence, criminal in itself, but full of complicated peril in its tendency to worse crimes. Your next guilt was, a mask to the world in the concealment of your pregnancy, which (besides the vicious art of the imposture) was dangerous to the child you had conceived. Your last crime was the murder of that child, inflicted by yourself.

You have murdered that human creature, who of all others upon earth had the most affecting right,

as well as claim to your mercy and your love—the offspring of your own guilt, and guilt entailed upon it in some degree by the shame of its descent.

At your wild and youthful age, undisciplined, I fear, as well as unenlightened, and with such early habits of depraved self-indulgence, it is not probable that a Religion like that of the *New Testament*, which breathes in every page of it love to infants, could have been impressed upon your mind.

But the God of Nature has written a book, which "he that runs may read." *You* have read that book, and the letters of it were stamped upon your feelings at your birth. It was a Law written upon the living and glowing tablets of the heart, which told you how unjust it was to punish the offspring of your guilt, for the life you had forced upon it by that guilt alone.

You should have exerted every moment of your own life in atoning, by redoubled attentions to a daughter so born, for the calamity of such a birth. Instead of bracing yourself to this atonement, you were deaf to her infant cries, and you averted the repetition of them by putting her to death.

In this choice of difficulties—in this conflict of chances, what is it you have done? You have encountered *the peril* of detection and of punishment by a death of shame, as the murderer of your child. —You have taken *the chance* of dying impenitent, or with a conscience ill prepared for so awful a change as from this life into the judgments of eternity. You have taken *the chance,* had you escaped

from human detection, had you imposed upon the world ever so well, of lingering torments, upon the rack of a life self-accused, and self-accurst.

Thus it is that one guilt produces another; especially in your sex, when seduced into its criminal intercourse with ours. The natural delicacy and modesty of the female character entangles all its progress in guilt, and accumulated crimes are generated by the fear of shame. At last the energies of the mind are half buried in the confusion of shifted expedients to escape from the importunate eye of the world.

But there is another eye, "about the path and about the bed;" from which no darkness can seclude, and from which "no secrets are hid." That eye never is closed, and brings to light guilt like yours in a manner for which the sagacity of human conjecture despairs to account.

Guilt is always a coward; guilt like yours prompts the offender to accuse herself, and prove her crime, by evidence of the fact, in a moment of despair, fear, or surprize. Madness like this, comes too late: it is the effect, and the doom of guilt; it is no shelter for it.

You have no plea of sudden impulse to this act (not that any such plea could avail you, if in fact it existed): yours was a deliberate murder; the implement of the death's wound obtained and set apart for its destined office and victim.

Had *you* escaped, many other girls (thoughtless and light as *you* have been) would have been en-

couraged by that escape to commit *your* crime, with hopes of *your* impunity. The merciful terror of *your* example will save *them.*

Desperate acts like these very often escape from punishment. Merciful Juries, merciful Rules of Law, and merciful Judges, give numerous occasions to that impunity. If it *is* a defect, I hope it will never be repaired: but the same Juries, the same Law, and the same Judges, are firm to their trust in a case like yours.

The life that you have destroyed lost its natural Parent when you were its executioner for guilt of your own. It found a Parent in Heaven: there is not a more sacred object of that Parent's love (whose children we all of us are) than a new-born child, created in *His* image. Its blood is like that of *Abel;* it cries from the earth, and its complaint is noted in Heaven.

What your inducement was to sacrifice this pledge of your love and your crime, we have no means to ascertain: your conscience knows it well; but we are able to know that it must have been selfish and cruel.

I have talked with you hitherto as a Judge, preparing and bound by his painful office to inflict the penalty of death upon his convicted Prisoner before him. But look up to me! I can give you comfort; and can tell you, without impairing the weight of your doom in this world, that you can turn away your eyes to the Judge of us all, whose mercy has no limits, and whom no sinner can implore in vain,

if the tears of penitence and remorse are deep and sincere. You must have expected your fate; and I hope in God that you have prepared yourself, by a new-made heart, for a better world, having made all the human atonement in your power upon earth.

To cut off a young creature like you in the morning of life's day (for it is little more than a day to the oldest of us all) is an infliction thrown upon me, which I have no power to describe, or to *bear*, so well as perhaps I should.

You must not think we are cruel; it is to save *other infants* like yours, and many *other girls* like *you*, from the pit into which *you* are fallen; your sentence, and your death, is mercy to them.

If you have repented of your crime, it is mercy to yourself. Had you escaped, your mind and conscience would or might have been so depraved, that mercy, winged as it is, could not reach it in time.

You have now the tears and prayers of all around you. In our abhorrence of your crime, we have not lost our compassion for your fate—nor our zealous hope that you will find mercy at the judgement-seat of a REDEEMING INTERCESSOR, who died for you—that is, who died, that penitent sinners, through Him, should be rescued from the doom they had incurred, and should expiate their pollutions in the atonement of HIS blood.

I am now to pass upon you the awful sentence of your legal, your just, and your inevitable doom in this world. [Here he delivered the sentence, and proceeded thus:]

You have heard the sentence, and the imperious will of the Law. It affects your body alone, your SOUL it cannot reach—it is in the hands of your God. May that God shew mercy to it, when it shall appear before *Him* upon the day of its *final* judgment! May it *there* be acquitted, and blest!

Charge delivered at the Assizes for the County of Brecon, August 26, 1805.

Gentlemen of the Grand Jury,

THE Calendar which is put into my hands, even in its present state, is almost a perfect blank. In yours, I hope, it will completely vanish. It has, indeed, one felony, a theft of cattle, but which is likely to be converted into a mere trespass, or confusion of right. Here, then, I should have dismissed you (with pride of thanks to you for your exemplary vigilance over the Police, which has brought so light a Calendar before me), had it not been for a most painful subject, upon which a sense of humanity, as well as honour, compels me to detain you. I will, however, spare you as much as I can. We are fellow-sufferers. I will spare myself too. The subject fills me with horror!

A mother of an illegitimate child, in the month of April last, was tried in this Court, for the murder of that child. A verdict of perhaps unexampled compassion (but it is a fault which I never can

blame) has enabled her to be alive at this hour. That she had concealed the birth of that child, and had concealed its death, was in proof. She is now in prison for the offence of that concealment. Imprisoned (I blush for the law in stating it) for two years! the severest punishment left us for that offence which is the root and principle of these murders. In a very few days after this acquittal, another criminal, of a similar description, was tried in one of the bordering Counties, was convicted, and was executed.

If these two facts were unaccompanied, they would be unparalleled in the history of the Island, as far as I can learn from the annals of any Circuit, English or Welsh, and would, in that view, be alarming. But they are accompanied by other circumstances, which are of dreadful importance. The two offenders lived, at the time of committing the offence, within a few miles of each other. Most of the leading facts in the two cases were the same. The offence, I am sorry to add, is of late more prevalent than ever, in England, in Wales, and in this part of it the most. The difficulty of reaching it by legal proof is increased fifty-fold by a new Act of Parliament, passed upon grounds of policy, which I dare not as a Judge arraign, but which I am not able to fathom. The peculiar nature of this crime, and of the motives to it, appear to me either overlooked, or superficially examined.

These are the circumstances which call upon me to solicit your powerful aid, in averting such a re-

proach from the country which you inhabit; which your personal characters adorn, and which you are calculated, by your public as well as domestic worth, to civilize into all the virtues that can be required of the rich, or of the poor. If the offence comes in judgment before me, I know too well how to act upon it, that is, how to punish it. But the humane and Christian spirit of prevention, which nips the offence in the bud, will be found the best and surest policy of justice. I said, that in you were entrusted the hopes to *civilize* the lower classes of life into virtue. The term *civilize* carries with it a force upon which I mean to lay stress. This offence has no root but in the barren soil of uneducated nature. It is the guilt of savage ignorance; of unenlightened fear; or, perhaps, in two better words, of undisciplined self-love. The savage, truly defined, is a merely and brutally selfish character. He cares for nothing detached from his own personal figure in the whole system of the world. If, in this generous County, a man of a selfish character is to be found (which I cannot believe), let him refute me, if he can, when I tell him that, in proportion as he indulges that propensity, he approaches downwards to the Indian with his torturing scalp in his hand, or to the Cannibal who eats the man he has slain.

This crime never occurs in the higher classes of life. It is the guilt of the poor alone, and almost universally in the pale of domestic servitude. It springs from a distempered conscience; a desperate and frantic remorse; a fear of poverty, or of shame. Two principles

cover these motives; one of them is a total absence of Religion from the mind, the other is a weakness, or a perversion of the reasoning faculties, not from the want of capacity, but of culture alone. To meet the offence thus explained, and repel the mischief, appears to me no very arduous task. Three words bind the charm; Religion, Humanity, and Police.

I believe it will almost universally be found, that convicts of this crime have been thoroughly destitute of religious impressions. The poor creature who perished at Presteigne, had not the faintest image of them. She had scarcely ever heard of the Saviour's name. Of Christianity, as revealing a future state of judgment, and as redeeming the sins of the world, she had never been told. She had no religious abhorrence of her crime, till a few short hours before she terminated her existence. Of her acquittal by interest she had very sanguine hopes, and had prepared gay apparel for the event. After the bare statement of such a picture, can one hear (with temper) of objections to charities for the religious education of the poor? From all that I have yet heard of this devoted creature, I believe, in my conscience, that a feather of Religion would have saved her life, her virtue, and her character. The attendance of infants upon Religious duties, if rooted in early days, becomes a settled habit, which clings to them with admirable effect when they are grown up. I said, that such offenders were generally servants. Masters will do well to reflect upon the mischief done by them to their servants, and through them to the

community at large, if they are themselves men of dissolute habits, or of low pursuits; if they mark their contempt of religious duties by an habitual absence from the Temple of their God. Humanity is a most powerful implement in able and liberal hands. It has its limits, or it would not merit the office it bears in the world. It may surely, in some degree, without offence to the purity of moral decorum, endeavour to mitigate the shame of an illegitimate birth. I do not mean that it should reward the penitent mother, and much less that it should countenance the impenitent one. But it may well prompt, in a whisper at least, many cases of seduction, in which it would be the most cruel of all tyrannies to be severe, if the indiscretion is openly confessed in terms of remorse. In cases even of a less favourable aspect, but short of profligacy in the habit, mercy, within proper limits, would at once be humane, religious, and politic. I think no master of a reputable family should keep a female servant, in whom it is known by the other servants that he has detected her incontinence; because it would be of bad example to the other servants. But mercy is open still: he could recommend the discarded servant for other virtues, not suppressing this fault; and many are the humane, who would gratefully accept a female servant thus recommended, with a generous oblivion of this fault. Many are the female servants who have turned out excellent members of the community, under circumstances like these. Police follows up humanity. It should

be upon the alert; and should give an alarm at the first hint or suspicion of pregnancy. If the fact is believed, though it is not proved, every imaginable expedient should be adopted for the purpose of encouraging the disclosure, and of discovering the concealment. The penalty of concealment, as the Law stands, is perfect ridicule. The Act of King James the First, now repealed, was admirably calculated for punishment, and for prevention of these murders, by punishing the concealment, which is the shelter and the motive.

As great and as good a man as this age or island could boast, whose death, a few months ago, is a national misfortune, was an advocate for this Law, contemplated by him in its true light, as the mercy of terror, by disarming the hope to escape from conviction by the artifice of concealment—I mean, the celebrated PALEY. But, as that Law is no more, additional and peculiar vigilance is required from you, to guard us against the mischief thus let in. That mischief is the concealment of the birth and of the death. Humanity and police united, will reason with a suspected mother of a bastard-child unborn. They can tell her, that concealment of pregnancy endangers the infant's life; that concealment of the birth is more dangerous and more cruel still; that murder, the last act of concealment, is the most indiscreet and depraved. The shame can be reasoned out of its madness by topics of prudence. They can be asked, "What is the shame of illegitimate birth, to the infamy of its detected

concealment, or of death for the murder of the new-born child?" Enemy as I am to confessions unduly obtained, I would, in that stage of the guilt, recommend all practicable influence—upon hope and fear. Deceit would be a virtue; but mercy is better still. I am an habitual admirer of the other sex; and I am proud of this Judicial opportunity for distinguishing a person of that sex, by her claim on the public esteem. I am told, that a lady, in one of these two cases, interrogated the mother, advised her to confess her pregnancy, and promised her not only to support the child, but also to recommend the mother into a good service. Every generous heart will be eloquent in its homage to this humanity. It was in the right place, time, and shape.

I have also heard, but I hope it is a mistake, that a person, who should have prosecuted one of these offenders, abandoned his trust. This inverted the picture. It was humanity in the wrong place, time, and shape; humanity, which, if it could in general prevail, would be a charter of impunity for murders like these. The seducer should be detested, high or low, and branded with shame. The guilt of supplying medicine for abortion should be punished, whether such medicines were used or not. It is a defect of the Law, as it now stands, that for this offence there is no punishment. The Medical Tribe should be upon their guard, against the sale of herbs and potions calculated for this effect. If the father should refuse to maintain the child when born, which is afterwards killed by the mother,

such a refusal should be severely punished. It is, in a moral view, a constructive murder of that child. These are my hints for your better judgment.

The poor constitute the best wealth of the rich. Their love, and their esteem, is your proudest inheritance. On the other hand, it is not their bread alone (a degrading word), but their immortal food, their interest hereafter, as well as here, that is required by them from the rich, from their liberality, their goodness of heart, and their example in virtue.

The poor female infant is an orphan of the community; you are answerable for the culture of her mind; for the decent habits of her deportment; for the honest affections of her intercourse with men; for the domestic worth, and for the dignified (which are the natural) graces of her character.

Charge to the Grand Jury at Cardiffe, Sept. 2, 1805.

Gentlemen of the Grand Jury,

The Calendar is a very light one, except a commitment, upon a Coroner's Inquest, of Murder, as I thought; but which, the Officer now tells me, is a mistake of the Calendar, and should have been Manslaughter. But I hope, and I also believe, that your Coroner is very much upon his guard, in directions to his Inquests; especially upon subjects of this nature, in which they are naturally guided and swayed by his judgment. It is no trivial thing

to charge a man with murder, if he be guilty of a subordinate homicide, though a felony. There is an odium inflicted on him by the verdict of that Inquest, and there is jeopardy of life incurred; because upon that verdict he must be arraigned before a Jury here, and put upon his trial. These manslaughters are disgraceful to the Welsh, and, I must add with concern, to this part of that whole Principality, the West. They arise either from the habit of tippling to excess (a most prevalent custom of the Welsh)—from a false and miscalculated sense of honour and spirit—or from the rage of what is called Pugilism, converted into an article of taste, and a science. In either of these views, the death of a man demands a peculiar guard against a repetition of it, by such liberties with human life as these.

Of a more general nature, I have no topics to lay before you. The rumour of invasion, or of combined fleets at sea, break no slumbers here, though you are the inhabitants of a Coast. You have no fear, because you have a soldier and a sailor to defend you, who listens to no compromise of public spirit, and spurns every alternative but that of conquest over tyrants—or death at his post, upon the bed of honour, with arms in his hands. If you look at the map of Europe, and see what a diminutive appearance our Islands make in that scale, you naturally ask yourselves, how it comes to pass, that we are the centre of union for all the Powers of the Continent, against the Despotism which has trampled them under its foot? What is the answer to that question?

We are not taller men than our neighbours in the world; we are not more opulent, we have not more strength of any kind, we are not more valiant, we are not better politicians, and I fear that we are not more virtuous. But we have a Constitution of Government, the wisdom of ages, practically understood in all its blessings, and the envy of the world. It is a Constitution alone, which almost inspires those who live under it with a genius worthy of the interest at stake, and resembling its character. It unites the energy of power, and the bond of allegiance, to the jealous discipline of a popular check over it, if it lean an inch to oppression. You have received this precious gift (you, the Welsh, have pre-eminently received it) from Ancestors half lost in antiquity, but whose descendants have been signalized for their valour and public spirit; you will feel it as the most valuable and proudest heir-loom of your inheritance. I said, that we had no reason to boast of superior virtue, as compared with our neighbours; and my determined spirit of indifferent justice compels me to reprobate a local incident of this Town, which (if Religion is not a word, a name, and a sound) is of a deeply mischievous impression.

Yesterday opened a month which is, perhaps, the most critical of the harvest. The inhabitants of this Town are opulent, and are enlightened. We have at this moment another harvest in our hands, and are, perhaps, to defend its produce at the point of the sword; we have properties, freedom, and life, at stake. That Religion is no cypher in the warfare

before us, we assert and prove, by the habit of consecrating banners upon the altar. Yet, it was yesterday, that, in the Church of this Town, at the table of the Sacrament, except the Judge, the Sheriff, the Minister, and a part of his family, we had but one communicant, a poor Tradesman of the town! You may depend upon it, Gentlemen, that, if such habits of negligence are continued, our Calendars will assume a more formidable hue. That is not all the mischief. Every local defence must have the hearts of the neighbours around you, which never can be obtained, unless religious examples are imparted and circulated by the rich. What must servants think of superiors, who appear to be elevated above the duties, and even the appearance and the exterior of Religion? Their defence will be a rope of sand, unless they are loved and revered by those connexions. I cannot wish or pray for a better destiny to this Town, than to beseech that it could, as one great family, resemble the house of the High Sheriff*, in which I had the honour of sleeping a few nights ago. The servants there would lay down their lives to defend their master and mistress, because they are made religious, humane, and good, by the example of those whom they serve; and more like children, than as dependants. A master and mistress like these are blessings of incalculable value in the neighbourhood, and their public spirit is a model of political wisdom, which every

* Thomas Markham, of Nash, Esq.

circle of life should emulate, but, most of all, the inhabitants of rich and populous towns.

There are two other subjects of a local nature, upon which a few words may be attended with use. One of them is, the list of those from whom Juries are taken, who sit upon life and property here. I am told, it is a list extremely defective and partial. The result is, that men of inferior estimation, but who are exempted by Law from the burthen, receive and bear it by force;—that all the suitors of the Court are at the mercy of those who are not likely to do them justice;—that abler men are excused; escape from a legal burthen, and rob the parties here of their enlightened assistance. The Magistrates will see how to controul and redress the mischiefs so described, by their check over the Petty Constables who make out the list, who are punishable, by a fine at least, if it is incorrect

Another topic is, that of roads;—they are much improved in this country, but much remains to be done still. If it be tyranny to make new Roads by force, upon a failure of all other expedients, I court the name of a Tyrant; but I had rather see this power in your hands—and superfluous in mine.

Charge to the Grand Jury at Cardiffe March 26, 1806.

Gentlemen of the Grand Jury,

Upon this Calendar, short as it is, I have a painful remark to lay before you. It is upon the

recurrence (now habitual) of that homicide which is called *Manslaughter*, and is occasioned by heat of temper, so prevalent in this part of the Island.

These liberties with human life are disgraceful in the extreme to the police and manners of the county. If they continue to be indulged, and are treated as levities which merit no criminal imputation, the lower class of your inhabitants will fall back into the savages of nature, and you will yourselves be at the mercy of the change.

Unjust acquittals of these Culprits, when the fact is clear of doubt, and the Law is unquestioned, are a death's blow to the peace of the community. If a sense of compassion for human frailty is at the root of these acquittals, it is mercy improvident, and calculated for the opposite effect—because it goads the future culprit into *his* guilt and peril—exposing the victim, and shaking all social confidence.

An *acquittal* so described has recently taken place in this Court. I love Juries, and venerate the utility of that *Constitutional* establishment; but I lament, without imputing blame, the bad effects of such an acquittal. It was the case of a single combat, in which the Law is clear, that it may be a *Murder*, and cannot be short of *Manslaughter*, if it ends in death. It was a compassionate case, but the compassion was for *the Court* (with whom it would have been safe). It was not for *the Jury*.

For the suppression of these baneful propensities, you are the most efficient men to whom I can address

myself. They originate in the *publican;* that is, in the abuse of his trust. The more I am judicially conversant with your County, the more I lament that public houses are not under the regulation of a more strict and vigilant police. They are blessings, if they are well regulated, as places of refreshment for labourers or inferior tradesmen after the toil of the day. But they are converted, I fear, into riot and mischief, almost every day that such houses are opened in this neighbourhood. Ale, quaffed intemperately, begins the outrage in *words* of abuse equally intemperate. *Words* generate *blows*, which, from their savage violence, often maim for life, often end in death, and sometimes in *murder*.

The homicide upon this *Calendar* is not likely to be of such a description.

It is the act of killing a female, and it is most probable that she goaded the men who killed her, by *words* alone. It becomes, therefore, of great use to lay before you the Law upon that subject, which, is, " that *words*, however offensive, are no provocations to homicide—and, if resented so as to endanger life, or with circumstances of deliberate cruelty, they do not exculpate from the aggravated homicide of *murder;*" because they mark that savage cruelty which is one branch of the *malice* indispensible to the guilt of murder.

You will examine critically the circumstances of the act; and will not find your true bill for *the murder*, unless you see either evidence of the direct intention to kill, or deliberate cruelty in the act,

endangering life, and producing the death. Your compassion for the deceased, will never tempt you to forget your compassion for the living, or the rule of mercy, which makes the doubt of guilt incline to the judgment of innocence.

This Country, Gentlemen, since we parted last (a Country in general distinguished by its national blessings and the dignified pre-eminence of its character) has lost *three* of its Champions, and three as great men as perhaps it ever produced.

It has lost them by *Death*, who is after all the most eloquent of monitors for the instruction of the living, either as public or as private men.

To the Publick, this monitor prompts the wisdom of putting no implicit confidence in *personal* merit, which Death may suddenly terminate; and of laying redoubled stress upon that which never dies, upon the *Constitution* of the Government, and upon the energies of *National spirit*.

Upon the late *Minister* (Mr. PITT) I forbear to say a word, because ingenuous and manly opinions differ not upon his wonderful talents, not upon his eloquence, not upon his integrity, but upon the fair estimate of his political wisdom.

As to that prodigy of Naval talents and courage, *Lord* NELSON! eloquence and gratitude are satiated in his praise.

We have emulated the Hero we have lost; and as *he* thought only of *us*, *we* have thought (almost) only of *him*. The most brilliant victory that was ever achieved has, by *us*, in some degree been felt as a defeat, because it compelled us to part with *him*.

There is a *third* public man lost in the same period, whose character was of so very peculiar a cast, and of such inestimable value, that I must intrude a very few words upon the debt of honour, to his name.

I allude, of course, to *Lord* CORNWALLIS. He was an excellent officer, cool, steady, judicious, vigilant, and prompt at resources; brave but not rash. In that, as well as any other sphere, he was unassuming, generous, and benevolent. All who served under him were his adopted children.

But this was a feather, to the rest of him—the feature which of all others adorned him the most, and the best, was the *simplicity* of his character. It raised, instead of depressing him. It raised him *above* all personal ambition—*above* all personal avarice—*above* all personal vanity and pride.

Loving (to the heart) enjoyments of domestic life, and of seclusion from the world, he was ready at a moment's warning to be as alert as he was calm and modest, when called forth by his King into the most arduous theatres of integrity and wisdom, at an advanced period of his life.

He was the *Viceroy of Ireland*, and closed the Rebellion there by that soundest of all political address, clemency to the vanquished, and conciliating manners to the disaffected.

He was *Governor General of India*. There he set his face against peculation and corruption, œconomizing every department, and made the Natives happy in his Government.

Enemies he had none. He never harboured, even in thought, a sentiment that was illiberal, or a selfish principle of conduct.

This true heroism, which is elevated into the highest of all departments in public life, descends into the lowest, and adapts itself to all.

Cunning is not wisdom. *Pride* is not an elevated spirit.

A sense of impartial duty and of inflexible honour, without claim or prospect of recompence, makes the noblest of all figures in the deportment of public men. The fame which it has uniformly merited, but has never solicited, will be sure to reach it in due time, and will endear the name of this incomparable man, as long as *Britain* shall preserve its generous character.

Before we part, I must lament, for *your* sake, and for *ours*, that I saw very few of those, whom I have now the honour to address, at church. I lament it for *your* sake, and appeal confidently to those few who did attend, if they ever heard a more timely, judicious, correct, and sound argument from the pulpit, or more impressively delivered than by the Chaplain whom the Sheriff has given to us. You will, I trust, upon the report which you shall hear of it, join with me in requesting that he will circulate in print a discourse which is calculated for so much good.

Morgan Williams was indicted at the Great Sessions held at Cardiffe, on Friday March 28, 1806, *for the murder of Margaret Phillips, his Female Servant. Mr. Justice Hardinge stated the Law and the Evidence of the Fact as follows,*

Gentlemen of the Jury,

MORGAN WILLIAMS is accused of *murdering* the deceased—his *female* servant—*the sex* forming a very material circumstance of the fact.

If you are convinced that he has committed an act which under the circumstances amounts by the rule of Law to *murder*, you must have no false compassion for *his* life, but must find him *guilty* in that general word—that is, guilty of the charge—guilty of *murder*.

If, on the other hand, *you* have any doubt as to the *evidence* of the *fact* upon which this class of guilt may be impressed by the rule of Law, you may find him not guilty of the murder, but guilty of *manslaughter* alone.

You cannot, *without breach of duty*, acquit him of both, *if he killed her*—as there is no pretence or colour for the conclusion, that if he killed her it was mere *accident*—was *justified*—or can be *excused*.

It must, therefore, if the deceased owes her death to this act, be *manslaughter* at least, if it is not *murder*.

You must, however, in the first place, and before all other inquiries, be convinced that *he* killed her

—that he occasioned her death either by his act, or by its consequences.

If she died of any other cause arising from accident unconnected with his act, she was not killed by *him*.

If the accident arose from a danger of life to which *he* exposed her by an act of assault wilful and criminal in itself, her death is imputed by the rule of Law *to him*, as if he had killed her at one blow.

If you are convinced that she received her death from *his* ill-treatment of her, you have another and painful inquiry to make.

You are to see whether he killed her with circumstances which, if you believe them to have taken place, prove him guilty of *murder* in one view of them, or of *manslaughter* in the other.

What it is, which in cases like these are proofs that a *murder* was committed, it is my office, and my oath, to lay before you with all the accuracy and precision which any words of mine (better supported by those of the Law) *can* apply to the subject.

The bare act of *killing* is *murder*, up to the moment that circumstances are proved, which distinguish it into misfortune, or guilt more or less aggravated.

So mercifully jealous of human life is the Law, that it presumes the *malice* necessary to the offence of *murder*, till it can be disproved by the culprit who killed.

"*Malice aforethought*" are two unfortunate words upon so awful a subject, and in which *preci-*

sion would be so desirable, because they are words liable to be misunderstood, and they are fatally misinterpreted, in fact, by common men, who conceive the words only to mean *grudge, hatred,* and *revenge,* deliberately harboured against the deceased —which is indeed the familiar and current sense of those two words.

But *malice* here (the malice of homicide, which is imputed as *murder)* is not *only* this deliberate purpose to *kill,* but it is also a *malignant spirit, regardless of social duty, and bent upon mischief.*

This depravity of heart may be inferred by *the Court* from the circumstances of the fact.

We have before us the case of a *master* and of a *servant*—the *servant* is killed.

We have also the case of a sudden *provocation*—if it can deserve the name.

The wisdom and mercy of the Law in protecting life, has adapted itself to both of these two circumstances.

If a *master so* corrects a *servant* as to endanger his life, and kills him, he is guilty of *murdering* that servant.

The danger to life may be collected, not only from the *weapon* that inflicted the death's wound, but also and equally from other circumstances: amongst them, as it happens, the very case has been put, that a *master* has corrected a *servant* (and for an offence proper to b e corrected) by kicking and stamping upon him. It has killed him, and the death has been *murder.* Upon this correct and

sound principle of judgment, *viz.* " that brutal fury like this cannot be a mode of punishment calculated by its nature for the purpose of correction alone."

This would apply with additional force to a *female* servant.

As to the case of *provocation* (abstracted from the intercourse or the duties of *master* and *servant)*, these rules are established, and will, I trust, never be shaken (because they are built upon mercy and wisdom united).

Words—of insult and reproach, let them be ever so grating and offensive, are in the eye of the Law *no* provocations (to the act of killing), if resented so as to endanger life—because a resentment like this would be a depraved and cruel revenge—not the *human frailty* which alone can soften homicide into *manslaughter.*

Indeed, whatever may be the affront, the insult, or even the assault, if resentment is indulged in so cruel a manner, and so beyond all proportion to the offence, that it marks a deliberate intention either to *kill*, or to *do some great bodily harm*, though of a kind inferior to homicide;—the death, if it *should* occur, though neither intended nor foreseen, is *murder.* In estimating these facts, the degree of provocation—the sex—the resistance or submission of the deceased—are material grounds of judgment.

There is another most important rule of Law, which is, that, if there is time for passion to subside, and reason to interpose—or if any other circum-

stances in acts or in words prove that he who killed marked a deliberate revenge or spirit of mischief against the deceased, it is a murder.

If the sudden provocation was acted upon with heat of passion reconcilable to human frailty, it is *manslaughter*—it is nothing more.

If the death was an accident, in which the Culprit *has no share*, the death is no punishable homicide.

The JUDGE then stated all the facts; and, having stated them, he said:

If you believe that he killed this woman by his ill treatment of her in execution of a depraved and brutal resentment, you must find him guilty of murder.

Or, if you believe any circumstances which mark that he deliberately intended her death, or to do her great bodily mischief, you must find him guilty of *murder*.

If you *could* find that, in the heat of passion, meaning only to correct the servant whom he has killed, or to resent a sudden provocation, he has killed her by misadventure;—though culpable in the degree of the resentment, he is guilty of manslaughter alone.

But now comes a painful office of the Court.

If you believe the material witnesses to have spoke truth, it is the judgment of *the Court*, applying the evidence to the rule of Law, that you have before you a *murder proved*, and must frame your verdict upon that conclusion, pronouncing this man to be guilty of the charge.

If you have any doubt as to the words uttered by him, or as to the facts of deliberate cruelty which are proved against him, you will convict him of the *manslaughter* alone.

That he killed her by his ill-treatment, is a fact clear of doubt, unless you can believe that *all* the witnesses are *perjured.*

As to the circumstances of *cruelty,* and of *deliberate intention* to kill, I see no ground of imputation upon the witnesses; and, believing them, have no scruple to give you the judgment of *the Court,* that it is a *murder.* But the *facts,* and *credit of the witnesses,* you (not I) are to govern by *your* judgment and *your* conscience.

Address to Morgan Williams, convicted of Manslaughter at Cardiffe, March 28, 1806.

MORGAN WILLIAMS,

YOU are convicted of *Manslaughter* alone, upon a charge of *Murder;* a charge *proved* in the opinion of the Court, if the evidence brought against you was believed.

The Jury therefore must either have set up *their* judgment of the Law against *ours,* or have misunderstood the Law as delivered by me, or have disbelieved the witnesses, or have been misled by the effect of your character as *a peaceable and good-natured man.* As to their preference *of their own*

Law in direct and wilful opposition to that of the Court, I cannot and will not believe it; in other words, I cannot believe them to have abused their power, and violated their duty. If I was *misunderstood*, it was not for want of all the efforts in my power to impress the rule and principle upon their minds, with as much accuracy and precision as I could stamp upon them. As to the *discredit of the witnesses*, it happens that not one of them was impeached by yourself. None, in my Judicial experience, ever delivered their testimonies with more delicacy of caution. One of them, unsolicited, marked in his evidence, "that, when you kicked this woman, you *had no shoes upon your feet*." The difference in effect was trivial; but in *his* mind it occurred as a feature softening the outrage. The Son of that Father, a Boy to whom you recommended a false account of the death, in confidence, apart, and *with him* alone, is confirmed by the woman who *laid out* the deceased, and who represents that you told the same fiction *to her*. The evidence of the Coroner and Surgeon, *Mr. Griffiths*, to the cause of the death as occasioned by *your* violence, *must* have convinced the Jury, when they found you guilty of *Manslaughter*. They must therefore have thought (with me) the evidence of *Dr. Turton* wasted, and thrown away. He *enlightened* us with certain other causes of death (reconcilable to similar appearances), but which had no ground for them in *the fact*. His evidence, therefore, might have been spared. As to your *cha-*

racter, if it were true (and I will assume its truth), it will prove that you have deceived your neighbours, and that you *deserve* a character the reverse of that which has been given. Had a thousand witnesses called you "*peaceable and good-natured*," this one transaction of pride and revenge would out-weigh them all.

The Jury *may* have thought you did not mean to *kill*, and therefore could not be guilty of *murder;* in other words may have thought you intended cruelty and mischief in the extreme to this defenceless woman, but short of death. If the fact here supposed were true, the inference "that it was *therefore* no murder" would have been false; and it was reprobated by me with all the energy which (armed by the Law) I could give to the opinion. But, *could* they believe that you did not *mean to kill*? *You*, who said, the very moment before you made your first attack, *It was upon your hands to kill her*?

Perhaps they believed you were not master of your own reason, but were heated by *passion* from the moment of your first anger up to the very instant of this poor creature's death. *Could* they believe it? *Could* they believe you *heated*, when after such a feather of provocation you fell upon a defenceless woman who did not raise her hand against *you*, beat her with your fist upon her bosom and thighs, kicked her, and when she was down pressed your knees upon several parts of her body, inflicting blows and contusions *even upon her waist*? *Could*

they believe you were *heated*, when, upon her affecting appeal to her fellow-servant, you commanded him to desist from any help to her? *Could* they believe that you had no *deliberate hatred* in your mind, when there is not one mark of your penitence and remorse? Your "*distraction*" was the horrour of momentary panic, and it came too late. But it was followed in a very short period by the command of a most wicked falsehood in cold blood, impressed upon one of your servants; a falsehood asserted the very next morning by yourself.

Hundreds have been executed for *murders* less aggravated than yours, less depraved and cruel. It is the *second* instance in the *County of Glamorgan* since my Judicial intercourse with it (and I shall after this acquittal fear that it will not be *the last*) of a master's tyranny to a *servant* ending in death and in murder.

Whatever motives of judgment or of conscience induced the Jury to deliver this Verdict, it will be long felt as a deep stain upon the County, "that such guilt as yours *could* escape;" though I impute no blame to the Mercy which I cannot understand.

In the case to which I alluded, as well as in this, we have attested the peril of indulging that pride and resentment which goad the heart into these liberties with human life.

Servants have a peculiar claim upon the humanity of their *Masters*. We are all of us born equal and free; *as the Subjects of a Government by Law:* —which is our barrier against oppression. There is

a generous pride in the human character: We are proud of the soul and spirit, which is a ray of the Divinity in our nature. It is grating enough *to be* a Servant: We are all of us *Fellow-servants—to a Master in Heaven;* the rich cannot exist without inferiors of this class. They are treasures above all price, if they are good of their kind. The way to *make them good,* is to *use them well.* The service, then, is light as air to *them;* it is not *felt,* it is *the labour of love.*

What a *Master you* have been to *your Servants,* you have told us by the evidence upon this trial. You *killed a Female Servant;*—having, before you commenced the outrage, addressed her in terms of depraved and cruel insult;—you *killed her* when she neither did nor could resist: you *killed her* for two supposed affronts, both of them trifling in the extreme: you *killed her* after she had served you for eight years. You intimidated her *fellow servant* in such a degree, that he had not courage to save her life, nor even to report the fact after he had left your service. His words are, "that he was afraid of you, and threw himself into the way of the Constables," meaning that he *might* seem to be *forced.*

You would have suborned another servant *if you could,* a boy at 15 years of age, to a corrupt and most impious falsehood; at an age of all others in which it behoved you as a *Master* to impress upon *his* mind the generous principles of truth and of honour: A *Servant* at such an age has *filial* claims upon a *Master,* who, in the moral care of his temper and virtue, is an *adopted Parent.*

You have taught *your Son* to resemble you. He *did* venture to *entreat* that you would arrest your murdering hand: but *when?* After the victim had expired! He had previously fomented your bitterness against this wretched creature by telling that idle story of the Ghost, which you resented by *killing her*. When he addressed himself to *her*, supposing her to be alive, it was in terms of unfeeling insult; "you have done (said he) *mischief enough, to go to bed.*" God of Mercy! are *Servants* to be thus treated! Is it in this generous Island that we can *hear* of such tyrannies?

Had the Jury convicted you of the murder, not all your opulence, or the interest it could make, would have given the short interval between your sentence and your death one additional hour. Who could imagine that I am talking all this time of *Manslaughter*, which is, in its *legal* acceptance, heated passion, or a wanton act, with no peril of life, but ending by accident unforeseen in death? The Jury would themselves tell us, that if it is *not murder*, it is very *near it*, and is the most *aggravated of Manslaughters*;—which of course would call upon *us* to inflict an *exemplary* punishment upon such an offender. In truth, it is *a murder*;—it is *nothing else*. Not one feature of the mitigated crime appears.

It is at *the best* a depraved and cruel outrage, endangering life, and closed in the death for which it was calculated;—but, *at the worst*, it is also *deliberate in cold blood*, and with a *decided purpose to*

kill. In *both* of these views it is equally *a murder.* Yet how to punish it under its name of *Manslaughter* is a difficulty. We are crippled, and yet it is no dishonour to the Law that we are; for it never supposed that a case like this *could* have the name of *Manslaughter* stamped upon it by a Verdict. We cannot *imprison,* for the offence to which your guilt has been softened by the Verdict, for more than *one year.*

The additional punishment of *burning in the hand* for *Manslaughter* (properly understood) was absurd and cruel; but, in a case like this, one half laments that it has been superseded. *Branded,* however, you are still to be: *Conscience* will inflict that penalty; the abhorrence of your character in every feeling heart will pollute your path and your bed.

The day *will* come, when this *Murder,* as I call it still (and by its true name), will sit heavily upon your soul, unless the guilt is deeply repented before that hour shall come. The only punishment which is now to be added by the Court, instead of *burning in the hand,* is—*FINE.* As your fortune is ample, and as we are desirous to mark our sense of your guilt, we shall make that *fine* exemplary as well as penal. But here again we are crippled: for the Law contemplating what *is* Manslaughter (and not a case like yours) has told us that it must be a *moderate fine.* Upon what principles I cannot imagine, but the Court has in general considered the word *moderate* as intending a *nominal* fine; and has deemed it satisfied in aggravated Manslaughter, by

a *shilling*. *We* have upon former occasions broke in upon that Judicial habit elsewhere, and are willing to embrace the odium of the singularity. In your case, we impose £.50 as your *Fine*, the most ample that was perhaps ever inflicted upon a *Manslaughter*; but still, if compared with your fortune, and with your guilt, *moderate* in our view of it, and reconcilable to a sound exercise of discretion; so *moderate*, that, if it was not for that *word*, we should have it four times heavier.

Your sentence, therefore, is, "that you be imprisoned for one year in the County Gaol: That you pay £.50 as *a fine*; and that you be also imprisoned until that fine is paid."

Charge to the Grand Jury of the County of Brecon, in April, 1807.

Gentlemen of the Grand Jury,

AFTER a Calendar of unexampled weight upon the feelings of the Court, and followed into a melancholy result in one of the neighbouring Counties, I had whispered and reasoned myself into a confident assurance, that here of all places we should have breathed a pure atmosphere, polluted by no guilt upon which it *could* be our painful office to inflict the atonement of death; and clouded by no suspicion which it would be your province to investigate.

I had calculated this credulity of hope on the vigilance of your police, which had so often disarmed atonement of its functions by the merciful expedient of prevention.

But I was no correct prophet. A Calendar is before me of no trivial importance in its claim upon you, and perhaps upon us. It accuses three Prisoners of capital guilt.

In proportion, however, to the local singularity of these crimes, your doubt of the fact will be more jealous; your examination of it will be more acute.

It is a philosophical as well as merciful argument that what has happened very seldom is not likely to have happened at all; and the fact of guilt being less probable, the charge of it is, upon the first blush, less worthy of credit.

It is no light thing to put a fellow-subject upon trial for his life.

His adversaries, after he is arraigned, are numerous and powerful in their battle-array against him.

He has, first, the Public Accuser to fear—the King, represented by his Attorney-General; by a man, who, to his honour be it said, is a kind of Judge-Advocate, sits in judgment upon his own zeal, and guards himself against a feather of prejudice injurious to the accused.

But even *he* is to be *feured.*

He *may* unintentionally overstate the evidence, and the very tone of his manner may be too eloquent.

The accused has next the injured Prosecutor to fear; who cannot feel himself unbiassed, let him be ever so honest, let him be ever so humane.

I, as an Advocate for the accused, am afraid of *myself* in this dreadful office.

Meaning to give him every colour of hope which the evidence affords, I may have a memory impaired, and a judgment weakened by the effects of age: my pen may injure the note, and my sight may injure the pen.

Intending to withhold *my* impression of the verdict I should give in *their* place from the Jury, who are to convict or to liberate, I may unconsciously give an adverse impression by the manner of reading my note.

I am afraid, *for him*, of the Jury themselves, upon whose credit and weight our liberties proudly depend. I am afraid of them, because they are men prejudice can reach; error of judgment can mislead them, and betray the purest integrity of heart.

Against these perils you are to sustain the innocent up to the moment that his accuser disarms him of that presumption, by unequivocal, by perfect, and by legal proof against him.

When that point is attained, mercy to him, if it prompts impunity, is a violation of trust, and is compassion misunderstood.

I observe that one of the Culprits appears before us under a complicated charge recited in his commitment, and standing apparently upon his confession alone.

I have no fear to have it recorded of me when I am no more, that I have leant uniformly against the effect of confessions, when redeemed from the legal objection, and rendered strictly competent.

Because the accused is not free. The very charge intimidates him, if delivered in a menacing tone, or with a menacing aspect, though not in menacing words. If it is gentle in the manner, it prompts hope to conciliate the accuser.

Accompanied by weight of circumstances, it may turn the balance against him; accompanied with slighter links of the chain, I think it should never convict. The want of stronger evidence impairs the weight of the confession, more than slight evidence confirms it.

I observe that here the horses are those of *owners unknown*. The want of their oath to this property, after due notice of the confession, makes the fact that it was a theft more improbable. This defect at the period of the commitment is likely enough to be supplied before you; but, assuming that owners are not yet found, I think it a feature of probability in the Culprit's favour, be his confession as it may. If they are found, you will *sift* the reasons which disabled them to come forward at an earlier period.

As to the identity of *sheep*, I have nothing to say, which is not familiar to your experience, of that wonderful and merciful sagacity which discriminates the shepherd — who has never been detected as guilty of a misconception, whether addressing himself to the marks, or the countenance and form of the sheep.

In each of these imputations, whether as applicable to *sheep* or to *horses*, you will of course feel your ground as to the evidence of the *design to com-*

mit the felony, distinguished from trespass, or claim of right.

There are two other offences, upon which a mere word is enough.

One is the offence, as I suppose it will be charged, not merely, as the commitment expresses it, of possessing a sheep in the carcase, but of stealing the sheep. Here, I observe, the terms of the commitment express only a *belief* to the identity of the article; and in that shape, the same degree of implicit faith is by no means due to the evidence of identity.

The other offence is the minutest that ever I saw in a Calendar, the acquisition of a shilling by a false pretence—but the rule of Law is the same.

Under these impressions, which rather anticipate than prompt the duty of your trust, I feel myself assured that life and liberty, here at stake, will find, in the words of the Petty Juror, *true deliverance* at your hands; leaning to mercy, but firm in spirit if the balance of guilt preponderates.

Before we part, I am to apprize you that I have just received the heart-rending intelligence of another crime impending over us, not in the Calendar—a murder of a child by its parent. Should it, which God avert, solicit your attention, a melancholy and recent event at this place renders any further comment of mine superfluous. It is an offence of a most awful and *critical* nature; in which, I am sure that *you* will never deprive the accused of the tenderness for her *peculiar* situation which is due to it; nor the publick of the example which must be inflicted,

as well as marked by the judgment of the Court, if the evidence upholds the charge. God, who resides in your oath, will guide your conscience, and will direct your endorsement upon the Bill.

Address to Lewellin Hopkin, convicted of Sheep-stealing, delivered at Cardiffe, on Saturday, April 10th, 1807.

LEWELLIN HOPKIN,

I am really shocked at seeing a person of your decent, creditable, and imposing appearance—in the middle of life—in possession of health and strength,—destitute of all character, and subjected, by irresistible proofs, to a sentence of death, which the Law inflicts upon your crime.

You *were* a *farmer*, you are now a *labourer;* but you are also a *convicted criminal;* upon which account we cannot but fear that your change of condition has not resulted from the visitation of misfortune, but from loss of character.

The offence of *stealing sheep,* in all views of it most injurious to the community, has, like other crimes, a number of shades and varieties.

Your theft is not one of the most aggravated class—you pilfered a couple of sheep from a neighbour's field, and converted them into meat. It should seem that you intended them for consumption at home.

You did *not* change the marks—you did *not* offer the live articles to sale at a distance from the scene

of your theft—you were too cunning to be wise, and your craft is in some views more despicable than alarming, as the dexterity of guilt in general is.

But there are features in the *moral* guilt of your crime, as it was proved, that make you a dangerous member of society.

You seduced a neighbour, a youth, into a limited and partial share of your crime, as one of its three confederates—you were thoroughly apprized of his reluctance. Though you employed him, you could not vitiate his principles; you were afraid of him—you menaced him—you wished him to believe that if he said a word it would be his death.

The humanity, in part, of judicious advisers, but more still the feelings of his own mind (for the conscience of youth can with difficulty be secret) induced him to disclose all the facts at the peril of his life; to disclose them when he was liberated and free as air. Thus it is, that wicked men, by too numerous a band of accomplices, take up arms against themselves.

I think well of that young man—I even think he has expiated his guilt. If he had not been good at heart, he would have been detected in his tale, by the comparison of it with evidence unimpeached, and which he had no means to reach; but in all essential points he is wonderfully confirmed, and gave his testimony with candour almost unexampled.

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[*The rest is lost.*]

A Charge to a Grand Jury, the Date uncertain.

Gentlemen of this Grand Jury,

No dispassionate mind can forbear to love and revere those benevolent and jealous provisions for the life and freedom of the subject, which are administered in *our* Courts of Judicature, and by *your* Province in particular.

In mercy to the accused, his Prosecutor bears a kind of *suspected* character in the Judicial sense of that word. All presumptions are against him; *he* is put upon his trial in that room (pointing at the room) before he can be *heard* in this. *You* are inquisitors upon *him.*

Your shield is over the absent Prisoner.

You are *his* advocates.

You defend him behind his back, and protect him against evidence either discredited or incomplete. You do not suffer him to be arraigned before us till you have convicted him as far as the evidence against him extends, but subject of course to his future defence. Above all, you guard him and shelter him by those rules and principles of legal evidence, which are calumniated when they are accused of being technical. They are built upon sound mercy, without prejudice to the discipline of common sense.

May these principles never be withheld or impaired!

Contrast often illustrates better than comparison.

I remember to have read in a Newspaper the Report of a Court-Martial upon Mutineers in the Navy, a whole string of them.

I read (but as a *libel* upon that Court) this question put by one of them to a witness upon oath:

"*Was not A. B. particularly active in this tumult?*"

Who do you think was A. B.?

One of the Mutineers, not *then* upon his trial, but whose trial was to follow, and whose fate of life or death was to abide the judgement of that same Court!

The objections which are combined in reprobating that question are almost as many as it contains words; but every one of them occurs to the good sense of a Juryman.

It prompts the Witness.

It intimidates him,

It cajoles him.

It goads him to hostile evidence.

It prejudges the man thus implicated, and who, not being *then* upon his trial, has no power to check the answer.

It marks the wish of the Judge.

It throws a discredit upon the Court.

These are not the habits, principles, or feelings of this Court, or of that Room.

But there is another peculiar and sacred character of mercy, which also discriminates *your* province.

You do not sit upon the character of the accused, nor upon flying rumours of the fact.

You sit upon the guilt *alleged* and *proved;* you have no eyes, no ears, to any other topic.

It is better for ten guilty men to escape, than for any one innocent man to be convicted.

If the guilty escapes by the shelter of an imperative rule, he is of use to the innocent by that escape; the rule is indispensable to the innocent.

But, if the innocent are convicted, the guilty escape; and those for whom the punishment of guilt was intended as a charter of security are betrayed by the Law made for their welfare.

But a worse effect is behind. An execution like that of *Calas* in *France* throws indelible odium on the Judicature.

Three or four such instances would shake the allegiance of the Subject, under the best Government upon Earth.

A celebrated Wit, after that execution of Calas, declared, "if he should be accused of stealing a Tower from *Notre Dame,* he would run away."

I am concerned that most of the horrors at *Paris* have originated in the partial and cruel administration of Criminal Justice.

Two capital felonies upon this Calendar will abide your judgement, governed by that high sense of honour to your trust, which makes the conduct of that Room as correct and chaste as that of any open Court with a public eye intent upon its proceedings.

I say nothing upon the *evidence* of these crimes! It is, alas, *too* familiar to your judicial experience.

Before we part, I am to condole with you upon a fact.

It is, that a Fugitive, and from a Hero of a much higher cast, *the Hero of the Nile*, is become a Giant of strength, and of genius for mischief, unexampled in the world from its creation to its present hour. The Continent at his feet, either enslaved by conquest, or cheated into his nominal friendship, the worst oppression of the two.

Let him possess it!

This Island is armed by the native spirit of its character—it looks the Giant proudly in the face.

To all his invectives and menaces we have this answer:

Let him read the Constitution of this Government! Let him see Liberty, Independence, and the hatred of oppression, stamped upon every page of that book.

Then let him calculate upon his chains for *us*.

We shall survive him, be assured. This Nation will make a figure in the map, in genius and political effect—when the annals of his infamy shall be tired of his name, and, with a generous hope to redeem the human character, shall bury that name in oblivion.

Address to the Grand Jury at Presteigne, Tuesday, April 12, 1808.

Gentlemen of the Grand Jury,

It is now the twenty-first year of my judicial attendance in this Court;—a period in which more "*signs and wonders*," more "*distress of Nations*," and more awful changes (not of *Empire* alone, but of *Man*) have convulsed, and have desolated the world, than ever took effect in so limited a compass of time.

Yet, in the midst of such alarming visitations around us on every side, this Island—this little spot in the map—holds up its head, and covers under its wing the most envied Community of the inhabited earth.

What is it that has accomplished this *unexampled security*, and this *elevated character*?

Is it the *Army*? Is it the *Navy*? Is it the *Peasant*? or the *Merchant*?

It is not any one of these, nor all of them united, though each of them tells powerfully in the balance;—but it is the *soul* which animates *them*; in the *Constitution of the Government*, and the *native Spirit of the People*.

These are vital parts of us, which the *Tyrant of Paris* cannot reach; which his inordinate wealth cannot impoverish; and which his gifted abilities in seduction cannot mislead.

We cherish these barriers against him the more, because we have *taken a note* from the Example of *his Friends.* The *Enemy* there has been *our Friend.* A reluctant witness against his own credit is, in Courts of Justice, the most powerful advocate upon earth for the interest of truth.

A time *was*—it was a passing cloud—that some of *us* were tinged with leveling principles; but the good sense of the National mind and spirit soon recovered its tone, and with prophetic sagacity escaped in time from those vipers of the bosom.

What is it that we now live to see, in the wisdom of that awful instructor, *Time?* Engrafted upon the savage phrenzy of popular clamour against *all* Government (whether of *God* or of *Man)* is a despotism the most unbridled and the most insolent that ever degraded the liberty it overcame.

Every nominal stake for which innocent blood was *the order of the day,* and the policy of the *guillotine,* has been more than superseded: — it has been thrown into wanton ridicule by the parade of that supercession.

Kings were to be dethroned and murdered—*Regicide* was an attribute of honour—the very name of "*King*" was to be a curse.

An Imperial King has not only taken the sceptre of his own "*French* Territory," as he calls it, into his personal hand—but, as if to laugh at the fool he has enslaved, has *littered,* if I may use that phrase, half the Continent with petty Sovereigns, at the mercy of his breath:

"What *seem* their *heads*
"The likeness of a *Regal* Crown have on."

The Pillars of the *Church* were to be subverted—*the Pope* of the day was banished, was degraded, was imprisoned, was a rambling fugitive, under a guard, and shewn to the multitude as an object of derision; it was a murder—it broke his heart.

The Successor of that *Pope* (terrified or corrupted) is received into the very heart of *Paris*, and consecrates the *Imperial diadem* with all the imposing fopperies of the *Catholic* altar.

The *Nobles* were to sink into the dust—all were to be *Citizens*. One of the *Noblesse*, who was descended from the *Bourbon* race, took the name of *D'Egalité*—and paid for it with his head.

What is become of that vulgar and brutal spirit now?

Ask the *Dukes* and *Princes*, elevated into the *Peerage* for being *Janisaries* to the Usurper, who animates their energies by terror, not by love!

All *badges of honour* were to be torn off, trampled under foot, and abjured, as humiliating memorials of slavery to *Kings*.

They are *now* spread over a Court, as full of parade as that of *Louis the Fourteenth*; and are wantonly exchanged in the coquetting intercourse of a *Regal* confederacy, against the obstinate though solitary embers of spirit, independence, or freedom, left upon earth!

We thank him for this *note*, which he has given to History—for this living proof, upon a record,

which "*he who runs may read,*" that "***Rebellion*** against the legitimate principles of Government and of Religion, is *the unequivocal Parent of Tyranny* in the Church and State."

Returning *home,* with a generous abhorrence, from the awful picture of experiments like these upon a foreign shore—our National spirit feels pride of heart in the scene before us. The dignity of independence receives every one of us into its open arms, animated by a social union of all the links in our political chain, from the Palace to the Cottage; each of them sacred and revered in its turn, but not one of them entrusted with a power to injure the rest.

You—Gentlemen of this County in particular, if you are asked "what *you* have done as contributors to the *bank* and stock of your Country's welfare," can tell us, without one feather of arrogance, "that you have promoted with success—*tranquillity and justice,* the most valuable blessings of human life;—that your Judges, who visit you at stated periods, find their office anticipated, or disarmed, by your public spirit as *Magistrates,* and by your example as *Men.*"

Address to a Petty Jury in April 1808.

WILLIAM WILLIAMS accused of a murder has a life at stake in your hands.

Your oath is, to make "*true deliverance;*" and you will guard with jealousy his life, till the evidence proves the fact, which, if true, is the seal of his doom.

Your abhorrence of murder, in which all of us coincide, must not prejudice your minds with a feather's weight against the man who is accused of it.

If you happen to have heard of this charge against him before you came into Court, you must banish from your judgment the impression it has made, and confine yourselves to the *evidence in Court*, making a solemn appeal to the head and the heart, which God has given you, directed by that evidence alone.

If you are convinced of this man's guilt, the compassion of his acquittal at your hands would be perjury to God; and would betray the confidence of man, which is placed in *your* judgment, and in *your* virtue.

But, if you are *not* convinced of the guilt, that is, of the fact sworn against the accused, and of the inference from it against him, you will acquit him—for then compassion is a debt of honour.

There is no *direct evidence* to the act of killing the deceased, by the hand of the accused.

It is a case of *circumstances*, which *may* convince you of the murder, with as little doubt as if you had *seen it*. Were it otherwise, half the murders would escape, especially those which are prepared for concealment, and are calculated for the security of the hand inflicting the death's blow.

Murders are often detected by circumstances, which no cunning of the design could avert, and which cannot be reconciled with any other inference: whether, in the awful case before us, the circumstances adduced in proof are of that extent, *you* are to determine.

The weight of them, as united and combined against him, is the subject of your decision.

That, if he killed him, it was a murder, is too clear of doubt; for nothing in the evidence justifies or excuses the act, or softens it into a subordinate crime. The circumstances, if they convince you that he killed the deceased, prove it a murder of revenge.

Did he kill him? or did he not?

In some cases, even of life at stake, the Judge tells the Jury, with a chaste and sober exercise of discretion, that, if the witnesses are believed, the guilt is proved as consequence of Law.

But in so dreadful a case as that which is now before us, and where the judgement is to depend upon circumstances alone, I hold it safer discretion to withhold every comment of my own, and leave the Jury, who are judges of the fact, no shade of influence upon their judgment, or of prejudice upon their conscience.

You have had, with all of us, the inestimable advantage of hearing and of *seeing* the witnesses, whether you put faith in their evidence, or disbelieve it.

And whether, giving it ample credit, you *think* or do *not think* it, *feel* or do *not feel* it, strong enough to convince you of the fact, and of the guilt—are questions which *your* conscience, not mine, is to determine.

Speech to a Convict in April 1808.

WILLIAM WILLIAMS,

YOU are convicted of a base and cruel murder.

Yours is the deepest colour of that guilt, which, in its mildest hue, every current of the heart repels, and the nature of man disowns.

You have committed the murder of a *coward's revenge.* I lay stress upon the *cowardice* of your guilt—it is "*the serpent in the way, and the adder in the path,*" who bite the heel to death—it is not the passion (depraved by its excess) of that elevated creature, *Man.*

Revenge itself is in its very nature *cowardice.* The man of true spirit *forgives;* and proves by that *courage* that his enemies, who have defamed or have injured him, are at his feet—there is no victory so proud.

You are a dishonour to your countrymen;—the *Welsh* are too passionate—I do not flatter them,—but they are brave—that is, they are generous, enemies.

The revenge which goaded you to this inhuman act was, *at the best*, inexorable and sullen pride: stung to the heart by an imputation of such dreadful guilt, that it cannot be named.

But, *at the worst*, it was accompanied, if not awakened, by conscious guilt, and fear of its detection.

If you had felt yourself calumniated, the Law was open to your claim of redress, and would have enabled you to vindicate your character.

By taking away this poor creature's life, you intercepted and stifled his evidence against you; and so far you have been provident in the sagacity of guilt. But where is the policy of such wisdom? It is *left-handed*,—and the *left-hand* betrays the *right*.

The disappearance of this boy—the time and place of it—the detected concealment of his death —marks of external violence upon the body when found—blood upon your clothes, upon every one of them, and upon the knife in your pocket—the correspondence and conformity of numerous and mortal wounds to that instrument, united their powerful testimony against you; and were made irresistible by your conduct. You not only had fled, but had accounted for your flight by a deliberate and subtle fiction. You had that same enemy, your tongue, to encounter at home. The voice of guilt for ever betrays it—the depraved cannot be silent—they are self-accused by force, and the listening ear gives memory the note. You had

awakened the jealousy of suspicion, by savage threats of revenge, extending to your victim's life, and pointed at the mode of concealing his death.

You have only two little days to live—on *Monday next*, you will be no more an inhabitant of this earth.

But I hope you have employed the long period of your imprisonment in making your peace with a God of mercy and forbearance, who loves all his creatures, and whose image has been violated by your impious hand.

Your death will satisfy *the Law*—it is the last atonement in your power to your *fellow-creatures*, who are as deeply injured by the murder of this boy, as if he had been their own child. The civilized and social world is a family of domestic endearments and love.

Him you cannot recall: you will "*go to him*," —he cannot "*return to you.*" He is in *the bosom of his Father and of his God*—with *trembling hope*, that if, at so early and playful an age, he had vicious habits unreformed, a death so unprepared will plead for mercy to his departed spirit.

Hopes of mercy *to you* in this world, I can give you none. In that which is to come, I dare not give, or withhold them; because the wisdom of that Judge, who will put a seal upon your fate—not for hours—not for days—not for months—for years or centuries—but *for ever*—cannot be estimated by *man.*

This, however, I can safely tell *you*, because a *Redeeming God* has told it *me*—that, if you sincerely repent, you will "*save your soul alive.*"

Upon the degree of repentance calculated for such blessings,—that will be "*sown in weakness,*" but "*raised in power,*"—that will "*sow in tears,*" but will "*reap in joy;*"—I have no courage to hazard a conjecture.

But I can recommend the depth of unequivocal remorse, and the conciliating efficacy of prayer, as indispensable to your preparation for that awful scene of recompence and of judgement (though tempered with mercy) which you are soon to reach.

May your soul, after it has left the body—when it stands naked before its *Creator*, its *Redeemer*, and its *Judge*—be acquitted there, by the merit of self-abhorrence—of deep contrition—of shame at the past—of principles "*acquainted with God,*" and feelings "*at peace with Him!*"

The Judge then passed the sentence of death.

The concluding part of Judge Hardinge's Address to the Grand Jury of the County of Brecon, on Monday, August 22, 1808.

HERE, at this period of our intercourse, I should part with you, but for the times. They call upon me, with an imperious voice, to animate the high spirit of the day, under your wing, if it should be the last breath of my life. That high

spirit beams upon us with a golden ray of hope; that we have a deliverance at hand from the base Impostor, as well as the usurping Tyrant, of the Continent—and who would have degraded us and you—even you, the *Welsh*—if the hand-writing on the wall had not convinced him that slavery and life never can be reconciled in *British* adversaries.

The most enlightened City of the civilized earth, which is, in other words, to name the City of *London*, has countersigned, with all the sanction of its proud name, and with all the eloquence of its public spirit, our interesting appeal to the God of Battles in the Patriot Army of *Spain*. Upon similar occasions I have attested your zeal for your King, and for his Government, when your independent mind has approved their conduct. In honour to that independence, I dare not recommend, but I have the courage to express a sanguine hope, that you will not part, before you shall have pledged congenial sentiments in your Address to the King, and through him to the Country, which I will gratefully and proudly forward into his Majesty's hand. We are not only enlisted in the same host, but we are enrolled in the same principle, which is *British* at the root, *British* at the heart's core. It is the cause of Native Rights, and of National Independence; it is the generous hatred of a Tyrant, whom nothing but the sword can meet—who violates every engagement—betrays every confidence—has polluted every thing he has touched—and is, in a human shape, the pestilence not only of

legitimate Government, but of the moral world. He has been compared, by depraved or timid sycophants, to *Alexander* and *Cæsar*. The compliment is basely false; those criminal Heroes, in their frenzy of ambition, had *lucid intervals* of clemency, of graceful conduct, and of social virtue:—nothing of the kind has ever yet escaped from *him*. His resemblance to our Usurper *Cromwell* is a little more close; but *he* was an observer of treaties, and kept his enemies at bay by his arms—not by the terror of his *friendship* (the worst of all *this* Tyrant's *enmities*).—Amongst his accumulated perfidies, let me offer to your notice (in a bird's-eye view) his conduct in *Spain*:

"Shew me his picture! let me see his eyes!
That, when I note another man like him,
I may avoid him."

He was the Ally of *Spain*—he was debtor to that power for important services—he obtained its confidence. He disunited the King from the Heir Apparent, his own Son; he made that Son his Hero; he fomented this Family-discord into a civil war; he then took upon himself the office of mediator with an army at his heels; erected an intermediate Government in a subordinate Janissary's hand, and poured his *French* troops into the Capital of the Empire. He took the King, the Heir-Apparent, and Queen of *Spain*, with him; he bound them hand and foot—he made the King and his Heir successively abdicate their Crown, when they were as free as the felon who is confined in your Gaol; he

made—oh, infamy of horror! this Queen bastardize her own legitimate Son, and brand herself as a degraded Prostitute!—He then quoted these very infamies against them in *Spain*, as proving them unworthy to return, and base to their Country. Opposed in these detestable perfidies, he murdered thousands of *Spaniards* in cold blood, and at last insulted that high-spirited Nation with his infamous Brother's election, by him, to the vacant Throne! It is this man we are to fight; our deliverance and that of *Europe* are combined—we are to fight him locally in *Spain*. But I address men of good sense, equal to their high spirit; they will follow me in the sentiment that *Spain* is *Britain*; that her cause will be felt in every inch of your Coast, and of the Island we inhabit.

Struck to the heart by a domestic visitation* (which the duty of a resigned Christian could alone have enabled me to survive) I am still animated with zeal for the sacred cause of public spirit which has claimed of me so dear a sacrifice.

It was a Roman Curse—that *he* who was its object should be old enough to *survive all his Friends*.

The malice of that wish had a very deep root in it. No tax upon *age* is heavier than to lose the charm of social enjoyment,—which is Friendship and *Love*.

* The death of Captain *Hardinge*, Captain of the *St. Fiorenzo*, his nephew and his adopted son, killed in the ever-memorable action with *La Piedmontaise*.

I have paid this tax more heavily than it has in general fallen upon hairs, even grey as mine.—But I abstain from the impertinence here of dwelling upon domestic sorrows of my own, even accompanied as they are by honest pride, in a Hero's death, whom the Nation laments—and yet, the loss of whom, to me, not even his *fame* can alleviate.

The same tax has followed me recently into this Court. Amongst all my numerous favourites here, I have no scruple to affirm, without invidious comparisons, that for none more than *him*, to whose voice (till of late years) you have been in the habit of listening, when it administered *your oath*, with a solemnity that was not *assumed*, but *felt*—and corresponded with a silent appeal to the same God of Truth, in the tenor of a most useful and meritorious life. It is with a melancholy sense of pride, that I pay to this lamented Officer of the Court the debt of honour which his character demands from *us* who knew him so well.

Not a word that I shall utter would not be countersigned on my left hand*. We both of *us loved him*, and I do not over-state the attachment when I make use of that word.

[The Grand Jury voted the sacred cause of public spirit, which has claimed a congratulatory Address to his Majesty.]

* Abel Moysey, Esq. his Brother Judge.

Charge to the Grand Jury for the County of Brecon, Monday, Aug. 14, 1809.

THE Calendar presents to us one solitary Culprit, but who is committed on the charge of a most weighty, and alarming offence;—excluded from Clergy (that is, made capital) by the positive enactment of the Legislature, and seldom pardoned or made amenable to the penalty of a mitigated punishment.

It is the offence of *burning stacks of hay.*

This double severity of the Law, first in the letter of its context, and last in the discretion of the Court (or of the King), has arisen from the facility of committing the offence undetected, the value of the subject consumed or endangered, and the peril of spreading the mischief.

It is a very peculiar crime: it injures the neighbour in his property with no interested view to the acquisition of it—but originates in the malice of revenge against him, or in the depraved spirit of mischief.

It is not, in either of those views, a common offence, or familiar to the current and the habit of crimes.—Upon this ground a fair presumption leans against the fact and the guilt.

It is not a *local* offence.—In my Judicial experience here for more than a fifth of a century, it is unexampled; another ground of presumption for innocence.

This commitment has a good fault in it; for it has told us more than is either imperative or expected, by giving us in detail those grounds upon which it has acted.

It is a commitment upon evidence of that *suspicion* which has been awakened in the mind of the injured, but confirmed by others, though in a degree amounting only to inferences of *presumption*.

You are, I am sure, thoroughly apprised that, upon grounds like these, it is not *your* province to accuse a fellow subject, and put him upon trial for his life.

The words *True Bill* endorsed upon the charge, when *you* have adopted it and made it your own, are not expletive terms, or idle words thrown away upon the record. Their spirit is *truth*; and there is no *truth* which can subject the accused (*in your* commerce with him) to the peril of holding up his hand as a Culprit here, in the absence or the defect of solid and well-reasoned *proof*.

Circumstances, however, *may* convince you of his guilt—but they must be such as leave no doubt in your mind.

This offence of *burning hay*, and the punishment it incurs, have constituted a popular topick of censure (and what I may call obloquy) against our Criminal Judgments, when accused of severity and of disproportion.

But the objection is flimsy and superficial—it vanishes at the touch, if the correct principle of all human punishment in a civilized community is understood.

"*Revenge* is *mine*"—are the words of that Supreme Judge who alone administers at *his* Judgement-seat the *recompense of moral guilt*.

We have no microscope that looks into the *heart*—we have no policy but that of *prevention*, guided by the value of the subject at stake, whether possession, right of property, character, freedom, or life.

These principles of human punishment are as old as the time of *Plato*, whose prophetic sagacity gave us through *him* a definition of Criminal justice, which no modern Commentary of the Penal Code would find it easy to improve, or would blush to accept.

"Punishment," said he, "is to reform the punished; or, if that hope should be desperate, is to reform the by-standers, who attest and contemplate what *he* suffers—or it redeems the society from a dangerous member of it, whether by death or banishment—or it guards the interest at stake by the terror of its power."

I cannot leave you without expressing my sincere condolence on the loss you have suffered in the death of the late *Mr. John Powell*—who conferred the highest honour upon his profession, upon himself, and upon all his personal friends.—He was enlightened, zealous, humane, and liberal; amiable in his manners, and benevolent in his heart; loyal without servility, and public-spirited.

These are men who *never die*, but are sure to live in the memory they leave behind them, and the

example they bequeath to those who come after them.

When I had last the honour to address you here, I touched upon our *Continental* hopes, and gave them (especially in *Spain*) a more cheering aspect than I *can* give to them *now*;—but, if I am asked what I think of *the Cause* which has united that Peninsula to our Island, I answer, that I think of it *now* as I thought of it *then*.

A *Turk* is a Fatalist, and makes no firm stand against whatever appears *to him* a National calamity.

There are *Christians* who miscalculate their piety with so mischievous an error of their zeal, as to argue that it is impious to rebel against what seems to *them* a pestilence and scourge for *our* sins. They recommend that we should give our necks to this modern *Caligula*, considered as the implement of an Almighty hand.

But where is it found in *Holy Writ*, that it is impious to defend the Altar we serve, and the liberties of the scene we inhabit?—Where is the *Divine* who shall tell me that visitations like these are not intended for the discipline of courage, and spur to National enterprize?

A Hero of the *Athenians*, wishing to detain a *Persian* ship that pushed from the shore to make her escape, had placed his *right hand* upon her prow—the enemy cut off this hand. His *left* succeeded in the same position, and shared its fate. His *teeth* were then planted upon the same implement, and in this attitude he was killed.

You will emulate this Hero; renewed in a Lieutenant of the Navy, who was killed the other day in the act of exclaiming "*Fight on!*"

There is a modern Poem, called "*Marmion*," where the Hero's death is painted thus:

"Charge, *Chester*, charge; on, *Stanley* on!
Were the *last words of Marmion.*"

Last words like those will be the parting breath of this generous Audience, if a sense of honour to the noble country they inhabit should call upon them to encounter death itself in the defence of the King they love, the Government they revere, and the Liberties they enjoy.

A Charge to the Grand Jury at Cardiffe; the date not certain.

Gentlemen of this Grand Jury,

It would be less invidious, and therefore I adopt that course, to lay stress upon what is *not* in the Calendar, than upon what forms a *part of it.*

We have *no* Murders.

We have *no* Manslaughter.

We have *no* Burglaries.

And, above all, we have *no* Rioters.

The absence of those crimes from the list of commitments before us confers unequivocal honour on the Police of this County.

Habitual reform commands oblivion of the past.

But, upon the subject of Riots, Judicial humanity calls upon me to give the earliest notice of the

judgements over that offence; though in a *local* respect the mischief is at a distance from any sound and rational fear, because it has been recently so prevalent in the middle of the Island, and because the mercy of prevention cannot be too much on the alert.

It is good and sound Law, that a Rioter who commits a capital offence in pursuit of the ulterior object at which he aims, is guilty of that intermediate offence, and is amenable to all its penalties. This Law, delivered here by me on a melancholy occasion, has been recently confirmed upon the Midland Circuit by a Judge of consummate abilities.

Another point of Law has been delivered by *him;* and he has quoted *Lord Ellenborough* as approving it, which is of a more awful import.

It is, "that a *Rioter* is answerable for any guilt of a *Confederate*, as a casual incident of the concerted enterprize, though detached from all immediate privity in the act."

It is upon the same principle as that which not only condemned, but executed a Peer of the Realm, in the reign of *Henry* the Eighth; a very opulent and a most accomplished young man, who had even been the Hero of brilliant services in support of the King. As a point of history, it would shock one's feelings, and would but serve to mark the avarice of a Tyrant; but, as the subject of a legal principle, it is not a little interesting.

Fiennes Lord Dacre of the South, in that period, having, amongst other estates, a Castle and a Park in *Sussex*, had conceived a bitter pique against his

neighbour *Sir Nicholas Pelham.* As an *insult* upon him, with his tenants and servants, he formed a mad scheme of hunting at night, and by force, in *Sir Nicholas's Park*—an illegal act. They were opposed; and, whilst they were in detached parties engaged in that concerted mischief, one of the party killed a Game-keeper. The Peer was at a distance from that particular fray, and had not the least connexion with it.

For that *Murder* he was executed! On the first view, it appears irreconcileable to justice. But the most humane as well as enlightened Judge that ever sat, whom to name is to honour, *Sir Matthew Hale,* adopted and affirmed the legality of this doom. He assigns this ground for it: "They were all engaged in a general purpose of mischief prohibited by Law; *this* was a part of the incidents to which it gave rise. They were *all* principals in the act of *each.*"

The first offence upon our Calendar, that of setting fire to a manufactory, is, if it can be reached, of the deepest hue, originating in malice, and generally in secret. But it is charged upon a boy of *thirteen,* which makes it very singular. I say *if it can be reached,* which it cannot be, unless the manufactory is of such a kind that it may be described as a *house,* or an outhouse.

The second offence, called "*Bigamy,*" is, in a moral view, little inferior to that of *Murder;* but it is the heavier in general against the first *Husband.*

Here it is charged against the first *Wife,* and the cases of that kind are less aggravated. As against

the Husband, one shudders most at the guilt: if both of the Wives have (as they often possess) feeling hearts, it is calculated for their death.

But the worst part of it is the injury to the *second* Wife, whom it converts, though in all the solemnities of the second marriage, and in her own conviction a *Wife*, into a more degraded connexion with her supposed Husband. It brands her Children (by *him*) with illegitimacy, and it profanes the altar of that sacred union. To the eternal dishonour of this Country, the punishment of these offenders was a charter of impunity, until the power of transporting was given to us.

What then! Let us continue to hate the *offence*, but guard the *accused* against the imputation of it, unless all the rules of Law which can bear against him are satisfied.

One of them is that against the first Wife; no evidence of the first Husband can be received, because he *must* offer himself as her *Husband;* and when he does, he cannot be *heard* as a witness against her, because a Husband cannot be admissible in evidence against the Wife: and I observe that here he is *committed* upon the oath of the Husband alone; yet, though I do not approve that commitment, if other proofs are laid before *you*, and the best which the nature of the subject admits, you will be justified in finding the Bill true.

A third offence is that of Embezzlement under special circumstances. As a general head of Law, it is very puzzling; for it may be a capital felony, it

may be a misdemeanour, and may be no offence at all.

Here, however, no difficulties can arise. You are only to see that it is the act of a *Servant;* that it is a violation of *confidence* (either general or special); and that, in the amount of the sum embezzled, it is the value of more than forty shillings.

If the *intention to defraud* is manifest, be the amount ever so minute beyond forty shillings, the guilt is constituted; but the argument arising from a little *item* in a very complicated account, may *presume* in the Culprit's favour, though on the other hand it may be said that an artful cheat would blind the suspicion best in little and straggling articles. It is a mere question of judgment upon the *intention to defraud;* and it cannot be in abler hands than in yours.

A fourth offence is that of Stealing from the house. Here you have only to estimate the value, and mark the access to the house.

A fifth is a Charge for stealing a Mare. The *identity* of the animal, and the *intention* of theft, are the objects of your judgement.

A sixth is a suspicion of stealing a Watch and a chain. It is called a *violent* suspicion. If it be *so* violent that unanswered it would convict in your judgement as Petty Jurors, you will find the Bill; and leave it for the Culprit himself to meet it by evidence, or by opposite presumptions.

A seventh offence is that of Breaking open a house *by day*. There are two Statutes which make that

offence capital; you will see that, whatever Statute is preferred, the evidence conforms to it.

An eighth is a very difficult case for proof, the utterance of base Coin; but it will take its fate, and the witnesses *may* enlighten us, if they should previously have been enlightened so as to convince you that it is the very offence which the Penal Statute will cover.

The ninth speaks for itself—the offence of stealing a Watch.

Here I should part with you, if new gleams of hope had not animated our prospect in the Peninsula. We have deep interest *there*, familiar to our feelings, and brought home to us *here*. It is the war of *Glamorganshire*, against the Tyrant of *Paris*. "*America*," said *Lord Chatham*, "was *conquered* in *Germany*." *We* can add, that we have the best chance to conquer *France*, or to disarm her at least, in *Spain* and Portugal. We have there *Lord Wellington*, "*himself an Army*—" a *Churchill* called from the tomb, a *Nelson* of the Military field.

On the part of the Tyrant "*Extermination*" is the word; on ours, good faith to our Allies, the sound policy of self-defence, the liberties of *Europe* at stake, and the sublime achievement of rescuing the distressed.

But, in the mean time, one is quite shocked at the mode in which the Enemy has taught *our Allies* to *retaliate!* The policy of their menaces may be sound; but it is a visitation upon us all, that *cruelty*

should on both sides (in a certain extent) be the order of the day.

Let us hope and pray that all these clouds may be dispersed, and that we may negociate with all the belligerent parties upon terms of amity.

We cannot put *this* department into more powerful hands than by calling forth into action again the abilities, the judgement, and public spirit, that were displayed by a Peer at my right hand, *the Marquis of Bute.*

Part of an undated Charge; probably about the Year 1811.

We have to lament the continued visitation of a disabling malady upon that Sovereign, whom half a century's experience of his regal and personal merit calls upon us, by a gentle but an irresistible appeal, to love and venerate.

But under this cloud of National adversity and regret, we are consoled by the judicious and public spirited conduct of the Regent, who has won every heart in his filial and political office. I am an Historian of the fact, and I read in every countenance before me, appealing as I do to men of high spirit, that you will accuse me of no servile homage in this debt of honour.

I can again rejoice with you, who are distinguished by your patriotism, at the signal turn which our prospects have taken upon the Continent.

In that Peninsula which is our home in its effect upon us, we have kept the Giant at bay, and have discomfited all his Generals, men expert in every mischievous talent, and prodigal of *their* soldiers' life, in hopes to indulge that cruelty which they love, in rifling, in violating, and in murdering the defenceless inhabitant.

We have raised the Military character of the Nation to a height unexampled, since the Hero of Blenheim terminated his brilliant career.

This elevation has chiefly arisen from the gifted powers and the inspired ascendant of Lord Wellington's genius and planet.

That wonderful man, to all the best qualities of those who have preceded him as Commanders of a powerful host, adds many personal and peculiar features of character, inestimable, as bearing upon his awful trust.

He is worth your knowing, even in my picture of him, which I can vouch for its accuracy, though it will have no other merit.

He is, in the first place, *unfathomable*, not only to his enemies, but even to his friends. He is, in that respect, what Sir Henry Wootton said every Embassador *should* be—he has an *open countenance*, but *thoughts reserved.*

He has no cabinet, no confidant, and, much less, a favourite.

He gives every order himself, and sees it executed.

He is a calculating and profound, as well as humane *economist of the lives* under his wing.

A more provident *Commissary*, no camp, stationary or flying, ever knew.

He visits the common soldier, binds up his wounds, cheers and relieves him.

He is, himself, a model of endurance and self-denial; he disclaims a thousand comforts, and he has not one luxury.

In all his plans he conceives every possible failure, and for every alternative he makes provision beforehand.

He can discern through a victory insured, a remote advantage against him, or in a retreat, can prepare a battle upon advantageous ground. He fights, or declines to accept the challenge, with equal sagacity.

He is no theorist, but is governed by his own assiduous experience.

He is not afraid or ashamed of confessing to all the world that he has been occasionally deceived in judgment, or misinformed in a fact.

He is never dispirited, but never too sanguine. He is calm and firm, prophetic in sagacity, and prompt at resources which the event he has foreseen may demand.

All who serve under him, from Generals downwards, to the rank and file, repose *implicit faith* in him, because they know and feel that he is their father and their friend, the champion of their honour, and shield of their security.

What has been the result? and where is the army of Portugal? It is a virulent satire in the form

of a gasconade—It might as well be called the army of England, or the camp of your mountains.

A doubt has been afloat in the public mind whether a paper ascribed by some to that beneficent, though self-elected reformer of his neighbours in this Island, *the Emperor and King*, is genuine or fabricated.

I care not *which*—It is the living *picture* of the man, if it is not *the man* himself.

As a Tyrant he *must* hate a limited monarchy, a legitimate Government, a constitution of checks upon all power, and spirits free as air like yours, but moralized in a Government by Law.

These, I may be told, are *military* and *political* objects, *irrelevant here*.

The imputation is utterly misconceived; they are *judicial* topics.

The impious, the dissolute, and the factious, are Cowards in the field. The Heroes of this Country, abroad, are good subjects at home. They are Christian heroes. They are affectionate in social intercourse, are exemplary in pacific duties, and firm to their trust in every department of commercial, political, or domestic honour.

With peace at home, the object and blessing of judicial habits, we are a match for the world in arms. We must love a Tyrant, that is, we must be new made in every fabric of the heart, before he can touch one hair of that security, which the genius and pride of Liberty have placed in our hands.

An undated Charge, probably in 1812.

Gentlemen of the Grand Jury,

ADDRESSING this County in the highest class of its inhabitants, men so enlightened in their public virtue, I disdain to commend the populace of the community here for the cold and the negative merit of a bare abstinence from those infernal crimes which, in this ever-memorable year, have polluted the National character.

Their spirit, like your own, is *British*—It is *not French*—It stoops to no despotism, but it vindicates, at the hazard of life, that noblest of all freedom, *A Government by Law*; that is, by the inflexible standard of a rule against the most grating of all tyrannies, *A Government by the passions of men*, with a sword in their hands, and plunder at their heel.

They love the courage which meets a Tyrant in field—they abhor the Coward's cruelty of the assassinating arm.

By that arm we have lost a man*, who upon the summit of power, was modest, courteous, and gentle —who bore his faculties meekly, softened his political adversaries, and made them his personal friends.

Of his political measures, I say nothing—we are no Politicians where I sit; but *he* has enabled us to love and revere *his* memory, without compromise of that Political independence and popular jealousy which are inseparable from the charter of political freedom.

* Hon. Spencer Perceval.

We *may* commend *him* for the exemplary command of his temper, for the purity of his motives, and the benevolence of his heart—for every social, moral, and Christian virtue that can dignify and grace the human character.

Error of Judgment is the condition of man; but *he* is a noble creature whom prosperity could neither intoxicate nor corrupt, or provocations inflame with resentment.

The worst of this act remains to be described; it is the atrocious and levelling principle of it; which is, that if individuals are baffled in their claim upon Government, and feel themselves to be injured, they are to murder those who are in offices of trust, and have an executive discretion constitutionally vested in their judgement.

It was admirably said by the Judge before whom that miscreant was tried, that upon the same principle every Judge, Witness, and Juryman is amenable to the atonement of murder, inflicted upon him by a disappointed Plaintiff or Defendant in a suit.

For those who are in offices of trust, it is not a bed of roses, but a covenant of honour, to abide, without fear, the displeasure of those whom the executive or judicial trustee cannot please, without selling his principles to the interest of the parties. If revenge is to intimidate, favour is to corrupt—and then what becomes of liberty, character, property, or life?

But the best of all security against perversions like these, will ever be found in a religious mind,

formed by religious admonition, such as that which many of us here present had the good fortune to hear yesterday from one of the most eloquent preachers that ever ascended a pulpit—eloquent in the charm of an impressive manner, in the most unaffected simplicity of style, in perspicuity of method, in the depth of good sense, and the weight of argument.

This Gentleman (to wind up his éloge) is the *genuine son* of that beloved and venerable parent whose exemplary character attracted my public homage to it from the seat which I have now the honour to fill, several years ago.

Touching, as I have done, upon the eloquence which is appreciated by its effect, I cannot forbear to admire the eloquence of the Gaoler and of *his* Calendar.

There I perceive *three little words* never to be surpassed by *Demosthenes* himself—NONE FOR TRIAL. May those brilliant words record and perpetuate the honour of this County for ages to come!

An undated Charge, probably in 1813.

Gentlemen of the Grand Jury,

WITH pain, which I have not language to ss, I see in this Calendar, a *burglary*, and the e of *breaking open*, as well as entering, a *de-l* house in the *day-time*, for the purpose of g it, and that purpose accomplished.

Upon the danger of these two offences to the community, it would be *idle* for *me* to expatiate;—before *you* it would be an *impertinence*.

There is a measuring cast between them.

In *burglary* is peril of life—alarm to fear—and if the dead repose of sleep is *not* shaken, a degree of subtlety in the act, which no *human* vigilance can elude; especially in the lowest, or even the middle classes of life.

In the *other crime*, which is that of a cowardly guilt, more is at the mercy of the felon's hand—"*the world is all before him where to choose*"—and his victims are that sacred class of your fellow subjects, the *industrious poor*.

To vindicate the Law, which in 1597, two centuries ago, first inflicted the penalty of death upon this crime, I wish to read the words—every syllable is gold. Philanthropy and love to the poor, give a peculiar charm to the dignified simplicity of expression which this act has adopted.

[He read the recital and preamble of that statute, laying stress upon its vigilant zeal for the poor.]

These homely but interesting creatures *must* leave their house—to *live*, by earning their bread in the field—*must* leave it, stripped of all its living security, in the arms and wings of this Law.

But I have additionally a *local* topic of regret, with a reference to these crimes, which I hope to lay before *you*, with all the delicacy which is due to it, and is due to those whom I address.

We are now *in April* 1813:—

In March 1811, two little years ago, a young man was tried here before me, and was convicted of a *burglary*. It was aggravated by *domestic ingratitude*, and *breach of trust*. It was a *confederacy of accomplices*, led by the Servant who was convicted.

In March 1812, a young woman at this bar was convicted before me of breaking open a deserted and vacant house, with a bill-hook, in the watched absence of the parent and the child, its only inmates, and plundering all its humble wealth.

Upon both of these occasions, the County whom at present you personate, was *in arms*, if I may so describe the advocates and champions of mercy.

Their interposed address to me, in terms the most handsome and liberal, arrested, intercepted, and finally averted, the sword of Justice from those two Convicts, though it was notorious that both instances of guilt were prevalent.

I revered and blessed that appeal to me—*as a man*—but, *as a magistrate*, I had my fear that such an act of clemency would, or might operate as the incentive to a repetition of these enormities.

Here they are!—at least a hint of them upon the record in my hand.

I think it manlier to assume, and I *will* assume it, that upon both of these exigencies, the mercy forwarded by me to the Regent, at the instance of those whom I revered, was *due* to the Convicts, and without prejudice to the community, who must ever be considered as *parties* before *us*, most awfully interested.

Let me, therefore, be understood as reasoning upon a case more *imagined* than *actual*, the subject rather of a moralizing comment upon *theory alone*, than of stricture upon conduct.

If the mercy is not well timed, let us examine what it is, and mark its final result!—we shall find it the opposite of mercy, well understood.

Let us take the Culprit of 1811, and assume that in Spring 1812 we had a case very similar to that; what is to be done with it?—shall the second offender escape?—If he does, what becomes of a third and a fourth? *If they are* also to escape, then, in proportion to the number of Criminals, and the distance of time from the first impunity, *their* claim is improved, the danger of the public is heightened, and the patent of licence to commit the guilty act acquires accumulated strength.

Nothing so absurd, therefore, is to be imagined; and we shall be told, that if the offender of Spring 1811 was pardoned in vain, the second Convict *must*, by *his* example of death, reinstate the equilibrium of the machine—What then shall be said of *his* address to me? I will make it *for him*, here it is—"My Lord (he says to me), you are a *tyrant*, you pardoned a Convict in Spring 1811, whose guilt was equal to mine;—you execute me! You are, therefore, as between him and me, *a tyrant*, because you are *partial* to him, at *my* cost—you are *unjust*, which in *your* office (that of judicial sanctity and power) is of all *tyrannies* the worst.

"But you are something else, you are a *perfidious tyrant*—you are a tyrant of nets and of snares. By pardoning *that* Convict, you encouraged *me* to incur the same hazard, in hopes of experiencing a similar exemption from death, and you then punish me for being so encouraged."

The *argument* of this appeal is incorrect, but the *personal* address to the Judge beats home to the best feelings of his nature and of his heart.

Though I deprecate, therefore, no intercessions for mercy, and even court them in your able hands, I expect (and feel myself sure) to find them accompanied by a compassion of another kind, more elevated, more extensive, and more benevolent, for the interest of the virtuous community, by guarding *them* against the felon; and for the dissolute members of it themselves, by a salutary warning of terror to them, which may redeem *them* from the hazard of their crime.

Lord Bacon has admirably said, "give a *severe* eye to the *example*, but an eye of *mercy* to the *man*!"

God be thanked! in many cases they *do* admit of being so reconciled. Even in this world, and by *men* frail as we are, may I never live to see that jewel of the Regal diadem sullied, that oath of the King (to administer Justice with Mercy) compromised or endangered!

But I hasten to another topic of mercy less equivocal; that of *your* province *there* (pointing at the room in which they sit upon the Bills) to be Counsel

for the accused—guarding him, though an absentee, as if present, and at your feet; sifting the evidence against him—presuming him as innocent as yourselves, till the conviction of his guilt admits no shade of a doubt.

That sacred plea of *not guilty*, which is *here* delivered aloud, and whispered *there* (pointing again at the room), was never more happily illustrated than by *Selden*, a most profound Scholar, a temperate as well as enlightened Patriot, and a virtuous man as ever breathed. The expression, though a little quaint, is not the less pointed and shrewd.

His words are these, "If I say that I am *not guilty*, I tell no lie. I stand upon the Law which tells me that no man is to accuse himself. It is as if I should say, I am not *so* guilty as to let *you* into that secret. If you will punish me for the guilt you lay to my charge—PROVE IT!"

So, Gentlemen, for all the accused in this, and in every Calendar, I say *to you*, before you tell me that *your Bill is true*, that you have brought guilt before me which *must be* arraigned, and *must* convict (unless the absentee when present shall break its force),—PROVE IT!

In *you* is reposed not only the right and freedom of the individual fellow subjects before you, but the rule and principle of legal evidence, which has not one technical feature, and is rooted in a Law, stamped upon the heart of man by the God of his nature.

[The Judge then touched upon the Russian victories, and complimented the County on the recent honours of *General Picton*, their native or adopted Son—upon whom he passed a very just éloge.]

THOMAS GRIMES,

A melancholy task is inflicted upon me.

It is that of consigning a human creature to the last and the deepest atonement upon earth for human guilt—of consigning him to the penalty of death—of a doom which combines in it the inflexible demand of justice upon the arm of the Law, against a man who is too dangerous to live; and the pity of those who are to execute the awful trust of telling him, that he is to live no more; that upon *him*, as acting a part in the scene of this world, the curtain is to fall; and that, after death, another trial of his guilt is to come before a Judge who is to determine the fate of that which cannot perish—of the soul, when it has left it sclay,—is to determine it for ever.

I will endeavour to discharge this painful office in a manner which may reconcile the feelings of humanity with a sense of honour to that firm spirit of Justice upon which the interest of social order and security, the peace, the lives, and properties of your fellow subjects depend.

Before I touch upon the nature of your crime, and so as to vindicate the example of your death, I must *implore* you to learn, that before the judgement seat of God every mask is to fall, and the soul is to appear as naked as it came into the world.

Artifice upon earth may delude the fallible discernment of men:

"It is not so *above; there* is no shuffling, and the action lies in its true nature."

You thought, alas! when you told us you never had *seen* Lewis and his wife, that by this air of bold assertion, you could induce the Jury to accuse them of a perjured oath, in opposition to characters unimpeached, evidence which had no shade of interest, and proofs confirmed against you by other links of the chain.

That very assertion would almost have convicted you of itself.

But if your point had been carried, what account of it as a false and cruel charge against them would have pressed upon your death-bed—upon the lingering death of a conscience unappeased, and upon your fear in the solitary hour, that in a future state fictions like these will be disarmed.

Let me implore you to begin your task of penitence, by tampering with such deceits no more.

They not only cannot avail you in this world, but will offend a Judge who hates deceit, and claims an open heart. You will not be "*acquainted*, and *at peace* with *him*," unless you are determined, in the short period which is left by the demand of

example for your continuance here, against the obstinacy of arts like these.

How weak they are, even in the human policy of their cunning here, your fate has proved.

The perjuries of Lewis and his wife, had your assertion of that crime obtained belief, could not have touched the evidence of Jones of Innisfillin—that of many other witnesses, or above all, the testimony of those inanimate and silent, but irresistible accusers, the iron bar at the door, and the sawyer's implement found in the house, traced home to a possession of them by a man whom you had served.

Your offence is that of breaking open a house in the night, and rifling it.

There are none who can seriously contend that such an offence does not merit the punishment of death.

Let me suppose that in so desperate an attempt, at so late an hour, you had met, so as to alarm, the daughter and the maid-servant, with such an implement as either of those iron bars in your hand—an implement of death by a sudden blow. How does the heart shudder at the consequence, from your hope to silence them for ever by the expedient of that blow!

Had they even escaped, what a shock must the very danger have produced upon two young women, so timid as well as delicate in the peculiar and modest humility of their deportment before us.

This *danger of life* is one feature of the offence (proved against you) which has accounted for the punishment of it by death.

Another ground of demand upon so fatal a doom, is the desperate insecurity of all human efforts and precautions, against the mischief.

No locks, no bars, can elude the address of those who are adepts, and who are expert in the habit of this crime.

The house violated thus, in *the night*, that house which is every man's castle, may surrender all its moveable effects to a thief—in some cases, all the occupier's wealth, at the mercy of a dark and silent hour, when all its living sentinels are in a dead sleep.

It has often been said, and I am not *wise* enough to reprobate the assertion, that Providence detects a murder.

I think it may also be said, that in every man's conduct who is depraved, there is the hand of God accusing him through himself.

You, though prompt in artifice, gave judgement against yourself.

You were at best a perfect stranger at Merthyr.

You rifle a house there, and you awaken suspicion by your conduct.

At the distance of three miles you open your two bundles the following day.

You open them again at the distance of twenty miles. You shuffle in your account. You run away, and, pursued, abandon this property which you had claimed as your own.

You demonstrate, that in the hurry and confusion of your prize, you had not critically examined its value.

When you found the tell-tale gold in the watch-pocket of the riding-habit, it was an evident surprize upon yourself. You called them *halfpence*, to parry this blow, when your hand was closed upon them—but they were guineas when the hand was opened. Your apology was perfect ridicule, that your wife had put them into this pocket, without marking the circumstance to you!!

At Cardiffe you exposed yourself by impudent abuse, by an attempt at personal violence, and by giving your name, unsolicited, just as the hue and cry against you had printed it.

You are at last found in the gaol, and with part of the apparel you had stolen upon your back.

Let the by-standers mark, in the salutary warning of your fate, the madness of guilt, and the aweful testimony of that self-accuser from whom there is no escape.

I cannot give you the faintest hope that you are to escape from death; and I end as I began—that is, I implore you to make the best use of your time, in a solemn preparation for eternity, in a reform of conscience and of the heart.

It happens too often, that a false and a dangerous pride will tempt a man, convicted upon evidence clear of doubt—will tempt him at the moment of stepping into eternity, with a conscience accusing him, to assert innocence of the fact proved against him.

Let me guard you against that impious courage, which, at the moment that upon Mercy alone the

Sinner is to depend, braves that mercy itself, by insulting the Oracle of Truth in the bosom of his God.

I am no longer your Judge: I am your fellow-creature, and your friend.—I conjure you to be new-born—to be ashamed of your guilty life, and, with religious tears, to worship the altar of a Redeeming Intercessor for the sins of the whole world.

Of His mercy, well solicited, and well deserved, by unequivocal penitence, and by sorrow unfeigned, you have no reason to despair.

Address to Mary Robert, convicted of breaking open a House in the Day-time, no person being therein, and stealing from it more than five shillings.

MARY ROBERT,

I have melancholy intelligence for *you*. It is the will of the Law, and of mercy well understood, that *your* "days are numbered," and that you are now to die.

That is, you are to enforce a Law, which aims not at *your* death, but at the *death* of your *crime*; a Law which has been sustained for upwards of two hundred years, but not upon the shelf—insulted by the habit of defiance to it, by the temptation to art in committing the offence, and the chance of escaping from the detection of it.

I should bless the discretion of mercy if I *could* save *your* life, but without aiming a *death's blow* at the industry and virtue of the poor.

They are exposed by the habit of these crimes, at any moment, at one stroke, and behind their backs, to desolating *ruin.*

The course of *their lives* disables them to *live,* unless they are to leave their little *Castle* guarded only by the Law.

Shall I be merciful to *you,* and cruel to *them?* God forbid! It cannot be.

The *County* will see by this event the danger of interfering to arrest the arm of Justice, uplifted against offenders like *you.*

They will, I trust, not forget that, in one little year after *their* intercession for a youth convicted of another crime, which is very like yours though it is of a different class, *your* crime is before us; and the numerous instances of it which have escaped from punishment by a want of better proof, or by rules of Law, is an alarm to those poor creatures who are so interesting by their claim upon us, who are so useful to the rich, and such blessings to all around them; whose *little earnings* are at the mercy of a secret thief, but whose anxieties, at the best, if no example of death inflicted shakes this crime to the root, will embitter all their humble enjoyments, all their little comforts and their hopes —It is *not* life, *so* to live.

In the case of that youth who was convicted of the burglary last year, *I* discovered no ground of mercy that *could* enable *me* to save his life.

But I was *overwhelmed* by applications of the humane; and, though I lamented what I thought

a mistaken humanity, I was tempted by *their personal* feelings to *bend*, though I could not *shake* the duties which *I* felt as a *Judge*.

In *your* case, after the alarming frequency of this crime in the County, which calls upon *me* for justice to *them*—trembling, as I do, at the *danger* of the guilt, and *shocked* as I am at the unfeeling *cruelty* of it, I can hesitate no more, and shall turn a deaf ear to the voice of humanity itself, dear to me as it is, till I can indulge a more extensive and more beneficent humanity; that is, till I can banish the offence, if it is in my power, from the Calendar, by a determined use of that sword which the Law has put into my hands. When the cottage-door was locked and stapled, but when the labourer and his daughter were out of your way, you broke into the house, and carried off all that you could find.

Amongst other articles, including the apparel of the daughter and even her hat, you took a watch, an old and faithful servant of the poor creature whom you rifled.

It is quite clear, from the dexterity of choosing the time for your theft, that you watched the moment at which the father and the girl had left the house—that you calculated for the hope to escape from all eyes but those of a power unseen; your implement was a bill-hook, provided for the purpose of opening the door by force.

A watch is a kind of treasure to the poor: but it is a favourite object of *sale*, at a low price, in this County of all others; no question *asked*. It is, therefore, a favourite object of *theft*.

But it is not the *value* of the article stolen, that either constitutes this crime, or a shade of difference in the weight of the guilt, or the danger of it. The *security of the house* is protected by the Law, in your punishment. That Law infers that you *would* have taken *all you could reach;* and that you are *guilty* of taking *their* all, unless by *accident* part of it escaped, or unless you thought it less *marketable* and more *suspicious.* You *have,* in the judgement of the Law, taken whatever the house contained. The words of this written Law, and which claim your life at our hand, breathe no other spirit: *any value,* be it ever so minute, if it is more than five shillings, but a house of the poorest cottager that earns bread by labour in his absence broke open to reach it, stamps the penalty of death upon the felon. The sum rises above itself, assumes the character of a *poor man's wealth,* and is placed under a shield:—that shield is the terror of Death; and the example of it as inflicted, if terror alone should be vain.

In this Country none are too low for its protection; or too high to escape, if they oppress their inferiors.

In your *confession,* I lament that I can see no merit. It was the effect of that coward, the Conscience of guilt. The arm of Law was then uplifted by suspicion: you were then in custody; the mask of remorse was the hope to escape.

You have *no character,* except from a person who knew you at the age of *sixteen!* If you were

so honest *then*, how rapid has been your progress to infamy, when, from amongst your neighbours or companions, no trace of a good character between that period and this can be found!

As being a *Rambler**, and you know what I mean, you are the more dangerous, and are more likely to be entangled, as well as to entangle *us*, with your accomplices. When you come at all into the neighbourhood of the innocent and the good, you come to rifle them.

You have no excuse from *youth*, for you are come to years of discretion. You might by this time have been a mother of children born in marriage, if your habits with men had not been too dissipated and vicious. *They* have made you look ten years older than you are.

Upon these grounds, with the hope that your example will banish that crime, for which you are to die, from this County for years and for ages to come, I disarm you of all hope to live. Against *you* I have no enmity—it is against your offence alone.

You will receive most humane and powerful help from the Chaplain of the Gaol, in your preparation for Eternity!

Much, however, is to depend upon yourself—upon a deep sense of your crime, and of your criminal habits; upon your faith in a Redeeming Saviour, at the right hand of your God, who makes intercession for us all; upon whom no prayer, no tear, not a sigh is lost, if it comes from the heart.

* She was a common prostitute, and followed the Militia.

Here, alas! my office ends.

The Law takes the rest into a more inflexible hand. It commands me to award the Judgement of Death!

[It was then passed.]

Address to the Grand Jury at Presteigne, on Tuesday, April 19, 1814.

Gentlemen of the Grand Jury,

THERE is nothing more difficult than to reason upon joy in the first breath of its feelings. But I am urged by an impulse, which I cannot overcome, to attempt this arduous enterprize.

The Revolution of this month to *Europe* and the World is a monitor of such wisdom in some of its principles, that, with no fear to compromise Judicial decorum, I shall present them to the view of those whom I now address, in hopes to be honoured by their sanction to them.—One comment upon this wonderful change will be found in its practical impression of a most aweful truth, which cannot be too fondly cherished—" that Liberty and public opinion determine the fate of Empires—that, in a just cause, we should never despair, as long as we have a pulse to beat, or an arm to be raised." The Captive Usurper has told us by his doom, that a Tyrant can have no worse enemy than his own success in the achievements of his tyranny: they ensnare him into the madness of a partial fatalism, and prompt him

to believe that he has a charm which Fortune is not able to reach. The day before this man entered *Moscow*, he was more advanced in his path to universal dominion than ever. But how blind is the lust of power! He saw no precipice under his feet—no hand-writing upon the wall rebuked his pride—no fatal knell upon the destiny of his power alarmed his ear:—yet from that very period we may calculate the subversion of his Empire. That is not all. If he had only put his *hand and seal* upon those preliminaries which he had nominally accepted, we should now be at the mercy of ambition reinforced, and we should soon hear him unsay what his feigned submission had sworn. The same Teacher has enlightened us with a discovery, which "he that runs may read." It is, that cunning is the bane of all wisdom in public men. A more wicked, but a more provident and sagacious act was never devised, than his impious divorce and marriage; it cemented apparently a political union with *Austria*, the Parent of his Bride:—yet who rides into *Paris* at the head of thousands to dethrone him? the Generalissimo of that Empire leagued in a determined alliance against him! He confiscated the land of the Nobles and of the Church; he then sold it nominally at a reduced price to his favourites; a measure calculated, and with consummate ability, for the purpose of erecting against the *Bourbon* race a barrier of this deep stake in the land. Mark the result! Where is that policy now? The land-owner has been disarmed, by the wisdom of the new

Government in establishing these grants. We have learned from the example, that enmity is an artificial and a despicable vice; that a feather and a moment will recall the native springs of the heart. We live to embrace with open arms inveterate enemies; and we have made their liberty our own.—But will these principles account for the miracle now displayed at *Paris?* They will not. With knees bent upon the earth, with meeting hands, and with uplifted eyes, we must offer pious homage to the God of battle, who has redeemed and has moralized the world—has inspired conquest in arms with mercy to the vanquished; and, through the heroism of Angels in human shape, has elevated Earth to Heaven, by infusing into the hearts of enemies and friends peace and good-will to men. What a page for history! what a lesson to posterity is here! and what a reply to "the Fool who hath said in his heart, There is no God!"

We shall, I trust, all of us unite our prayers and our hopes, that such an example may animate all of us, may teach us to be good Samaritans of the oppressed, and enable us to read in our lives the Sermon upon the Mount, which recommends and commands *love to Enemies.*

In sacred analogy to these principles, I come now to the immediate province of the Court, and of your office.

A capital charge will be laid before you, that of committing Forgery, in a shape which the Indictment will ingraft upon the enacted law.

Before you enter upon the discussion of it, my general charge is in two words, " BE MERCIFUL."

It is no violation of your trust.

It is the essence of your oath.

It is the generous temper of those guards in our Law, which are advocates for the accused, presuming their innocence.

You will reconcile, if you can, mercy to the Captive (whom you cannot hear) with mercy to the Publick.

In Forgery, the Act of Parliament is penal and severe in the extreme. The Executive Powers very seldom pardon the Convict.

The Judgement of Law, upon distinctions of the fact, is more hostile to the accused than I could wish.

But these Judicial severities cannot entangle *your* mercy—as long as the *intention to defraud* is a vital part of the offence.

That intention may be collected from *circumstances*; but I never can agree to the doctrine, that a *bare utterance* of the false paper, *unexplained*, shall prove knowledge of the antecedent crime.

I should also apprise you, that no witnesses who have a direct interest in proving this crime can be heard in evidence to any link of the chain, be it ever so minute.

I repeat my first words, and they are in sacred hands, " *Be merciful.*"

Address to Susanna Chandler, convicted of Forgery.

SUSANNA CHANDLER,

WIFE to Mr. *Thomas Chandler;* wife to a living husband, a farmer of excellent report; mother of six infant children! thirty-four years of age; and apparently in the full enjoyment of that health which is natural to this period of life!

How can I sustain the distress of my own feelings, when I am to inform you here—from the Judgement-seat which I have the pain to fill—that you are *to die!*

You are caught, *at last,* by the arm of the Law, after a succession of escapes from its impending judgement, unexampled in the mercy of Juries. You are of a *sex* which is the dearest blessing of human life, if those who personate that sex take pleasure in their duty as daughters, wives, and parents.

But you are a *third* Convict *here,* of that sex whom it has been the calamity of your Judge, executing a solemn trust in a Judicial office, and guarded by his oath, to remove out of this breathing world before their time.

When I contemplate you, my own fellow creature, every current of my heart bleeds for yours.

I see your distress, I deeply share it; and it adds *your* affliction to my *own.*

But the hope of dispensing mercy to others, whom the terror of *your* example may warn in time —and mercy to that confidence in paper credit which is the soul of trade—atones to me in some degree, not entirely, as those around me can see, for the pain which your doom has inflicted upon me, and which no words can reach.

I will spare your wounded feelings, with all the tenderness for them which my Judicial office admits. It is one thing to be a *Judge*;—it is another to be a *Man*—frail and criminal as the best of us are.

But I *must* inform you, though it is agony to utter those words, that you are *too dangerous to live.* It is a miracle of lenity, when the bare utterance of a paper forged, and with knowledge of the forgery rather *implied* than *proved*—utterance too of a kind the least alarming, and *very, very* different from yours,—can escape from death.

In *your* complicated and laboured guilt, there is nothing to extenuate, every thing to aggravate your crime—and there is not a shade of doubt upon its proof, in the full extent of the charge.

You would have endangered all your neighbours, and the fair dealer would have been at the mercy of *your trade in forgeries*, if *this* Jury, the last of three, had saved your life.

Your intention was, to be wholesale adventurer in the vicious implements of your own personal act.

You altered the sum payable on a genuine Banker's note from *one* to *five*; and you uttered that forgery

of the higher value, conscious of the vice that clung to it.

Your intention was, to delude a generous faith in the appearance of this counterfeit paper.

That intention was, in *three* of the forgeries at least, consummated; and was ripened into all the advantage at which it aimed.

For the purpose of accomplishing these forgeries, you obtained slips of paper with a number *five* in letters printed upon each of them from a pattern which also was printed.

These printed *fives* were pasted by your hand over the genuine Banker's note, after you had cut out the *one*.

Besides these detected forgeries of the same class, God knows how many others were in train.

You bespoke *twenty* of the lettered *fives*, though by a mistake you received in fact only a *dozen*.

The Country Banks, if in hands like those of your Prosecutors, are blessings to the community around them, at such a distance from the Bankers in town—especially in the notes for *one pound*, and which are necessarily the more circulated since the coin has become less in use.

We are Guardians of this interest and security, as they affect not only the Banker, but his customers, who cannot exist without faith in this paper credit.

In a *moral* view, no part of your conduct affects *me* so much as your treachery to your husband—*you were afraid of his virtue*.

It is in proof, that it was your plan to conceal your enterprize, with all its art, and with all its criminal produce, from *him*.

In fact, he never dreamed of it. You were, therefore, to have a purse of your own, withheld from *him*, the wages of your secret guilt. You have deceived *him* into misery, perhaps for the sequel of his life; the misery which your guilt and your doom impart—the misery, *but not the shame*—for his neighbours will pity, comfort, and respect him in his adversities.

I will abstain from the particulars of that fatal evidence against you, which my note has three times reported before a numerous audience.

Nor will I at this moment say a word upon the humane spirit of that Law which has forfeited your life.

All that I *have* said was painful to me in the extreme; but I *could not* soften it more.

From this moment, however, though in a melancholy shape, I am your friend and your comforter.

But, in mercy to a better and brighter hope, I disarm all hope of mercy here, as affecting your life upon earth.

I tell you this, in mercy to your conscience and peace with Heaven.

I implore you, my suffering fellow-creature, to make due and solemn preparation for that aweful Eternity, which you are soon to encounter in a future state.

But never, oh! never, despair of the Judge before whom you are to appear.

He will read the heart.

He will make allowances, with mercy unfathomable *to us*—allowances which the limited capacities of man are unable to suggest or conceive.

Never despair of meeting those Angels in Heaven, who have more joy over a penitent sinner, than over that virtue and purity that wanted no repentance.

Read the Book of Life!

Listen to the Minister of its Gospel!

Acquaint your soul with God, and be at peace with Him!

I *cannot* save your *life upon Earth.*

But I *can* tell you, that your life in a better world, and a life in bliss, may be *insured,* if you will deserve it by remorse and prayer.

There is not a tear, there is not a sigh, of those who are sincerely penitent, that is not borne upon the wings of mercy to the bosom of your Father and your God.

Poor creature—kneel *to me* no more! kneel *to my* Judge as well as your own—till your devotion is virtue, and pleads to Heaven, a redeeming God for your advocate!

May you be new-born to that Fountain of mercy, and receive its healing drops, before the scene is closed upon you in this world!

These are my last *words and prayers* for you before I deliver, as I *must,* if I *can*—oh, painful extremity! the sentence of the Law.

Charge to the Grand Jury at Presteigne, not dated, but probably in 1814.

Gentlemen of the Grand Jury,

I pass over the Calendar with its *pilfered watch* (the single and petty offence brought before us), just as if *no* Calendar had been put into my hand.

It would be a Patriot's wish, that all the periodical visits of the Judges in this kingdom, *English* and *Welsh*, could resemble our mission here.

We "come to deliver," as it is called, "an empty Gaol."

We come to find in those who fill your office, men so enlightened and so accomplished, that our taste would prompt us to wish for them as the best company we could ever keep.

We come to find, in the middle classes of life, a dignified sobriety of character, a command of good sense, fair-dealing, and good faith.

In the lowest order of your community, an humble deportment, industry, peace, good order, and moral virtue.

In the Attorneys of this Court, men of professional abilities, and of professional honour; men whom I would name, to do *myself* honour as their friend, if some of them were not present before me.

By their character we are in general protected against idle appeals to judgment of Law, upon dis-

putes of property, or of personal right, either frivolous in value, or desperate and sure to fail.

I say *in general*, because it *may* happen that a peevish or an obstinate client falls into very honourable hands.

But then it is of use. The Attorney fights the battle for him, and makes the best of it; but he fights with honour—by the example of that honour he reforms his client, and gives him a taste for liberality of conduct.

Yet I should be happier if no causes ever came before us, originating in a captious disagreement of tempers, because the acquisition of a cockade irritates the ill temper, which gave birth to the fact, and which, out of Court, a *word* of the Domestic Judge would have closed for ever.

As to the disappearance of criminals, it has, I trust, in part arisen from the firmness of the Bench where severity has been due; for then it is mercy—whether as the guard over the endangered and the virtuous, or as warning the idle, who are offenders in the shell, and who, as being undisciplined, are sure to be dangerous, if they are not restrained by fear.

But this blank in the executive province of Criminal Judicature has more proudly arisen from the local and the habitual merit of *your* conduct, of *your* example, and of *your* characters.

You are *feared* as Magistrates, because you are vigilant, able, and resolute.

You are *loved* as Men, because you are benevolent and charitable to your inferiors around you; not in money or in bread so powerfully as by feeding their *mind*—by inspecting their domestic roof, by comforting them in their adversities, by encouraging their labour, by accommodating their differences, and by recommending to their practice what none can misunderstand, what he that runs may read, *the morality of Scripture.*

This reminds me of Bible Societies.

I am in general a zealous advocate for *making the Bible* known *to the poor*, because I know personally, as well as judicially, that in gross ignorance of that sacred volume has originated the worst impulse of the heart, *a selfish character*, born with us all, and which Christianity alone could overcome.

But I beg leave to add, that I consider this plan of circulating the Bible only as a corner-stone of an edifice indispensable to it, that of Spiritual Guides in explaining this wonderful book, in pressing the attention of illiterate minds to those passages in the New Testament which no cavils can exclude from adoring Love, prompted by the intellect, and cherished by the heart.

The institution of Sunday Schools, commended and reprobated by turns in the pamphlet fooleries of this age, has at least this merit, that it has tempted the rich to know the poor; to educate their Infants; and, through *them*, to reform the Parents.

Residence of the beloved as well as the admired and respected in Holy Orders, appears to me the

most valuable blessing attainable or imaginable in this Island—it is the judgement of the Law.

I am sorry to add, that it is a Law shamefully eluded; and that I know, personally, instances of neglect in this particular, which have made me shudder.

No man is inclined less to encourage peevish and corrupt informers: but I should feel pride for you, as well as for the Court, in receiving your presentments of the non-resident Minister.

I would go further; and would recommend that, wherever the *licence* appears to you a mere colour and a deceit, you would appeal to the Bishop against himself, stating what you know and can prove to be the fact.

That common Enemy to us all, the Tyrant of *Europe*, whose portrait I have so often delineated here, was never more disgraced or shaken.

Disgraced, because he has proved himself a Coward.

Shaken, because he is unprincipled.

Impoverished, I think, in the resources of his genius and capacity.

When he tells me the *Russian* Winter came before its time, and that *we* are the incendiaries of the world, it reminds me of the *Latin* motto—"Whom *Jupiter* wishes to destroy, he deprives of sense."

What has given the turn against him?—I answer, proudly for the Island we inhabit—"*the Constitu-*

tion of *British* Government, and the energy of mind in the character of British men."

They have animated every Patriot wheel now in movement through the World.

There is not a victory in *Russia*, or in the Peninsulas of *Portugal* and *Spain*, in which our share of honour, as well as of interest, is not pre-eminent.

We can all of us be of use in this Warfare.

Upon the side of the East, in which it was part of the Enemy's ambition to circumvent us, *Persia* being combined with it, we think of *Presteigne* and we look at the Foreman* of this Inquest, who has conquered the Tyrant by his negotiating abilities.

It is a most perverse, as well as pitiful argument, if any of us reason from our imbecility, compared with great emergencies.

There are who say—We can do but little, we may therefore as well do nothing.

In the first place, poverty is wealth, if it gives in proportion with liberality.

In the next place, Philosophy will tell us, that a falling drop, if reinforced, pierces the marble; that feathers, accumulated, acquire the weight of gold.

We can all of us do this:

We are born to Liberty:

We can prefer Death and Freedom to life in chains.

We can love the Government by Law, which ensures to us that blessing.

We can be honest: nothing is more dignified.

* Sir *Hurford Jones*.

We can be affectionate: nothing is more politic, when the sword is drawn against our neighbours and ourselves.

We can encourage labour of all kinds; but most of all, Agriculture and Commerce, the sinews of National wealth.

We can love the God who has poured these benefits upon us; and we can, at least, endeavour to deserve the continuance of Divine protection; without which all the powers of the earth, all the faculties of the mind, are light in the balance, and like the Universal Monarchies of the ancient world, are swept from the Earth, or disgraced in servility and creeping in the dust.

Charge to a Grand Jury; the Date and County not noticed.

Gentlemen of the Grand Jury,

Before I touch upon the Calendar, I shall recall to your attention some passages which occurred when I had last the honour of sitting here.

One topick, and which is of the first importance, applies to the mode of examining parties accused, and of obtaining their confessions.

I will first repeat the inveterate conviction of my judgement, that confessions ought never to be received at all, upon the same principle which qualifies them—for, if terror and promises render the confession of guilt incompetent, those undue ap-

pliances never can be absent from the fact, because they are inseparable from the condition of the accused—he must hope, and he must fear.

But I cannot set up *my* judgement against that of the Law, and *must* receive the confession if duly obtained; but the shades of difficulty here crowd upon me, and will justify me in recommending, that parties accused may be guarded with more delicacy than I have in general observed in the conduct of those who accuse them.

It is not enough to abstain from any direct menace or promise.

My learned Brother, acute in humanity, was piqued at a confession which the rule of Law could not enable him to reject, but which he said that he did not like. The Accuser there told him, with a kind of charge, *to speak the truth,* but in a manner calculated for intimidation. This kind of address to the accused is improper.

But another conduct, which occurred last year, strikes me as infinitely more cruel—it is that of examining, so as to entrap the accused—by putting questions to him collateral to the point of the charge, in hopes to falsify the answer, and then quote it against him.

An accuser, and others who assist him as Ministers of Law, should point the charge against him, but should caution him against a word before he is tried.

The habit of purchasing goods, under circumstances of suspicion, from strangers, at an inferior

price to the value, is a habit which it will be sound policy, as well as mercy, to discountenance. Nothing so encourages a thief; and the discredit of such a witness against him weakens the peril of the offender. Such a witness last year, properly in my opinion discredited, saved a very dangerous thief upon that ground alone. I was glad of his acquittal, though I had no doubt of his guilt, because I think no acquittal of a guilty person can do so much harm as the discredit of such a witness can do good. It marks to the public eye what a mischief it is, and it will put such men upon their guard.

This brings me to another topick, which I have more at heart, and upon which I solicit your peculiar attention.

Another acquittal took place, which disappointed the County, as it liberated a very dangerous Felon.

It arose from the depravity of the material witness against him, which deprived that witness of all credit.

No principle of an acquittal could be more sound; and it rested where the Constitution has placed it, in the judgment of credit which Juries are to form.

Here again, one acquittal upon such an equitable ground, though it saves a guilty man, is of infinite use to the community. It forms a barrier of defence to the innocent against the perjured; it convinces the depraved of the infamy and the contempt they incur. These principles of legal mercy are sacred; and, when they are weakened, the liberties of the subject are no more.

*Charge * to the Grand Jury at Cardiffe; the date not mentioned.*

Gentlemen of the Grand Jury,

I HAVE no *Judicial* knowledge or suspicion of the circumstances in detail, to which a commitment owes its birth, stated, in this Calendar, as imputing the depraved and savage crime of *Rape.*

The Magistrate who signed the warrant, is a man of strong intellect—acute in his knowledge of the human character, and very humane.

I, therefore, assume not only a direct and sworn proof to the fact, but collateral evidence connected with it, and affording ample ground for that preliminary judgment, which all commitment imports.

But, without prejudice to my respect for the Magistrate, and for *his* act, I can take the liberty of telling *you*, that of all the capital felonies upon which it is our doom to sit, there is not one that requires more jealousy in sifting the evidence, and in cross-examining the accuser.

No rule of Law is more imperative, and less qualified, than we find that which is pressed against those who are accused of this crime.

The penalty is death; seldom exchanged for a lighter punishment, if the testimony obtains credit, and reaches the legal definition of the guilt.

* Indorsed by Mr. Hardinge, "A Charge upon the subject of *Rape*,—well managed, and excellent of its kind."

Shades of the fact, if it proves the guilt, though infinitely varied, have no effect.

If the party accused is innocent, he has no means to repel the charge; which cannot obtain credit, unless it lays the scene in that privacy which excludes all evidence for *him*—unless he is fortunate enough to authenticate, by legal proofs, the fact that he was elsewhere at the time.

Prior assent or subsequent forbearance never can avail him, if they can be detached and severed from the act, and from that *one* period in which it was perpetrated.

The *accusers* embrace the whole compass and variety of the female sex—commencing at the female infant, who has the bare capacity of understanding the oath, and proceeding upwards to the advanced in age.

A Rape on a woman who was near threescore has been proved at *Lancaster* this very circuit, and the Convict has received sentence of death.

The maid—the wife—and the widow—the rich and poor—the high and low—the beautiful and the deformed—the modest and of good repute—or the infamous and profligate—are competent accusers and witnesses against him.

Men have been executed for committing a Rape on a common prostitute.

The accused of this crime is at the mercy of a single witness—the accuser—and who is deeply interested against him.

If she is of good repute, her good name is at stake in the conviction.

If she has been cheated into the act by seduction or under promise of marriage, another interest, which is that of revenge, is at work, and puts an additional sting into the charge.

If she is of low rank in the world, poor and vicious, her aim is to receive hush-money, by the terror of this charge, though false.

Against the *individual oppression* of these advantages over him, *you* will defend this Culprit—without prejudice to the wholesome and the generous policy of the *rule in the abstract*.

You are to defend a variety of strong and fair presumptions which militate in his favour.

The first is, that sacred one of mercy, which believes all men to be innocent up to the moment that guilt is proved.

This presumption acquires new and accumulated force in a due proportion to the enormity of the imputed guilt.

A third presumption results from the peculiar nature of this crime.

That it *may* be committed, the incredulous will necessarily own, because it has been committed in fact.

That it is *improbable*, the singularity of such an offence in these Calendars will prove.

But that it must be improbable, the faintest anatomy of it will prove.

It may be called *un-natural*, for it is not *human passion*—it is rather *brutal* impulse, to a coarse enjoyment.

The most unfeeling Sensualist and the most inveterate Libertine would start with horror at a *Ravisher's* guilt.

The man who commits a *Rape* has no *love* to the victim of his *lust*.

He knows that he is *her* aversion, and that she would stab him to the heart if she could—that it would not be murder if she did—and that his life is in her hands, the moment of her access to a Magistrate.

Another presumption arises *here* from the age of this youth, described as not above *seventeen*.

Rape is not the vice of that stage in human life, unless where infants are the victims (an offence committed upon a different principle) and there is a kind of Judicial arithmetic which proves it. Unless where it is a gang of desperate accomplices and ruffians, we never hear of this crime as polluting that age of life.

What are the shades of doubt, which may induce and prompt your judgment and your conscience to reject the bill, I cannot presume to suggest.

On the one hand, I can well conceive, that a single witness, the party injured, may convince you of the guilt, and of its consummation—by her appearance—by the natural tenor of her account—by its consistent parts—and by her conduct as far as you can trace it.

But, on the other hand, I *do* think it *in general* unsafe that you should find the bill *true* upon *her*

evidence alone, destitute of all other collateral proof —that she complained the first moment she could— and gave to others, connected with her, the same account which has been laid before the Magistrate.

Resentment of such an outrage, though short of its complete and perfect execution, may tempt the accuser to exaggerate the fact—or terror in recollecting it may confound her memory of its extent.

If she was a virgin before the act, a personal examination of her by medical persons would have been a wise and humane precaution.

The safest rule for you is, to put yourselves into the box of Petty Juries; and then, as if in that place, to ask yourselves if, sitting there upon the Culprit's life, you could say "guilty" upon this evidence alone, but un-answered*.

* About this time Mr. Justice Hardinge received the following Letter, here printed from his own Manuscript.

"I hope Judge Hardinge will excuse the liberty of a short address from a stranger, being more emboldened thereto by the sentiments, which have not escaped from her, in a few lines from the Judge to her husband *Peter Price*, in acknowledgement of William Penn's 'No cross, no crown;' and she designs that a friend shall convey to him, as another token of good-will from herself, Clarkson's Memoirs of the life of that excellent man, with a wish that his attention may be turned particularly to his administration, as Governor of Pennsylvania, in the Laws established for prevention of crimes punishable *here* by death, and so often punished with it, as well as for the restoration and recovery of the offender; believing that the time is come, when it becomes this Country, and particularly those in power, to look at the subject closely, and exert themselves in promoting the cure of a political, as well as religious and moral evil. Mercy, and the object of saving a fellow creature, are indispensable duties in all Chris-

If you disbelieve the charge, and see any thing like a conspiracy against the accused—you will *present* that conspiracy, that we may put it into the form of an indictment. The very best and greatest man that ever administered criminal justice and wrote upon it, I mean Lord *Hale*, has written words of gold upon this peculiar subject, and I conjure you to hear them. [*Here I read the words.*]

tian States. It is the desire of my humble, but I trust loyal and Christian heart, that we may exalt this Nation by the rich fruits of righteousness and Peace. It is the opinion of many, that infliction of death upon so many offenders tends greatly to the increase of them, inasmuch as the worst offenders being careless, and thoroughly disbelieving, because they wish to disbelieve, a future state, they fear so much the less that *liability* from which it is *possible* for their *lives* to escape, than they would fear the lighter penalty of making restitution by labour, by perpetual imprisonment, or by solitude, where opportunity would be given to repent, to make their peace with God.

"I am sensible of the difficulty imposed upon those who sit as Judges, without a revision of the Penal Statutes—I sympathize with merciful men who are so placed; yet, I think it becomes every one of these, to consider what is required of them, as qualifying them to meet the Judge of all the earth. 'Blessed are the merciful, for they shall obtain mercy.' I am a sincere friend of Magistracy and of good order. Their appointment has been sanctioned in Sacred Writ; and it is a blessing to a Country, for a terror to evil doers, and for the praise of them that do well.

"But has man a right to take a fellow creature's life—a life that he cannot give? Is it consistent with Christian precepts and Christian example?"

Address to a Prisoner convicted of stealing Linen.

You are convicted of an offence new to me in this part of the world—new to the general experience of the whole Island; but, as I am sorry to have heard, not un-exampled in this County, which has been so distinguished by its good behaviour as to be a model and pattern for all around them.

Your offence is no less mean than it is cruel; and is likely to fall, in general, the heaviest upon *the poor*, on that class of subjects whom it is the peculiar office and pride of this Court, and of the Law, to shelter and protect.

Your theft is a depraved abuse of a generous confidence in all the world.

Linen is hung in places which, if they were not looked upon as too sacred for the touch of a thief's hand, would be at the mercy of it all hours of the day, without suspicion who the offender was.

You, by an accident, *were* suspected, were traced, and are convicted.

But what becomes of this property upon roads or near them, upon commons, or upon hedges too distant from the owner's eye, to be guarded against beggars or vagrants? One trembles at the risk, if it is not crushed before it spreads.

Your conduct united impudence and cunning, both of them applied with address, for the same purpose, that of screening your guilt.

But you are not the first man who has proved that knaves are sure to be fools.

Amongst your other dexterities, you overlooked the obvious prudence of picking out the marks; which manœuvre, if executed well, might have rendered the evidence too equivocal to convict.

As to your *character*, you have told me yourself that it was a bad one through the witness who was to have made it a good one; but who said that "some gave you a bad character."

Another witness indeed said, "that *he* had entrusted you in buying and selling, which confidence you never had betrayed."

So much the worse—inasmuch as, under the mask of this good character, where dishonesty would be reached, you enabled yourself to be a hedge-pilferer; in which line of traffick you were likely to escape detection, by eluding suspicion, as a man elevated above such despicable habits.

I consider infamy of principle and spirit as a leading and prominent feature of your crime.

Infamy, therefore, shall mark your punishment.

You are self-degraded; but more is due to the policy of example.

It in is mercy to others, it is no spleen against you: but it means to calculate, that we may hear of this offence no more, and may tell others, who may catch at this new experiment in theft, as a hint for *their* practice, that no mercy will be shewn to *them*; and that your infamy will be theirs. You are to be imprisoned for six months, and whipt from the gaol to the town on *Saturday* next, at the time of the market, between the hours of twelve and one.

The following Charge, on a Subject which Mr. Justice Hardinge had very nearly at heart, was intended to have been delivered (had not his own very unexpected and much lamented Death prevented it) at Presteigne in April 1816.

Gentlemen of the Jury,

I HAVE the most heartfelt assurance (and it comforts me) that *you* will be advocates for the accused, and that you will be jealous of *their* claims upon you till *suspicion* acquires the heavier stamp of *unquestioned guilt*. Your jealousy will of course be heightened when, the acts imputed being secret, proofs to the guilt are the more difficult, and the most oppressive difficulties are thrown upon the sacred power of defence to the innocent. Of this kind, in a very peculiar degree, is the supposed murder of illegitimate children by their female parent. Before we can reach it, we are to moralize upon it—we are to reason upon the nature and the habits of the other sex—we are to mark all the external evidence we can find of the murdering hand—and we are to call-in medical aid, but with cautions that will make you shudder when I lay them before you*.

* Here the worthy Judge intended to have read the following Minutes of the Evidence of various Professional Gentlemen, extracted from several Trials on the subject of Child-Murder.

September 1765. WILLIAM CAMPLIN.

We tried the usual experiment, to know whether the child was born alive, that is, upon the lungs. If the lungs had imbibed

The final concealment of the dead child has its root in the first act of illicit intercourse, which, in ten cases out of eleven, is another word for seduction of innocence. All the concealments that follow it assume delicacy of honour and pride

the air, if the child has breathed, they will swim upon the surface of the water; if not, they will sink. *We gave it as our opinion that the child had breathed.*

Qu. If the child was born alive, and thrown into the little house, and drowned there, will the lungs always swim?—Yes, if it was *killed* any way, they would swim.

Cross-examination. Then this experiment is entirely from the inflation of the lungs?—It is.

Suppose the child's head was to come into the open air, do not you think the child's lungs would be instantly inflated?—Yes, if it gives but two gasps.

If a woman be upon the necessary, and was delivered there—in the agonies that came near the critical time, can she help herself?—No, she cannot; she then requires all the help she can; sometimes twenty minutes are taken in the delivery. In the course of that period, the head of the child being discharged from the mother, when the mouth is in the open air, the inflation commences. When the child opens its mouth, and the lungs are once inflated, they never afterwards become dense till some time after death.

[N. B. This case is the most shocking of any that has occurred, there was nothing but the concealment, an equivocal confession, and the experiment upon the lungs. The child was found in the necessary, no marks of violence upon it, and the girl bore an excellent character. It was a Judicial Murder. G. H.]

July 1766. JOSEPH GILLIO.

I am *Pupil to a Surgeon.* I took the lungs out. They swam.

What do you infer?—That the child had breathed.

Cross-examined. Have you seen this experiment tried?—I have, and have tried it myself. The lungs are specifically lighter upon the water by having been inflated.

of character. The seducer is generally armed by a solemn promise to marry. The seduced has the highest opinion of his honour, and there is *guilt of opportunity* in habitual intercourse.—I can assume her penitence, and the perfidy of her gallant.

Will they swim when they are putrid?—They will.

The case was *just* like *that of Sept.* 1765. *Acquitted.* G. H.

December 1766. MR. ROBERTS.

I opened the chest, and separated the lungs. I suspended them in water. It is generally imagined that, in case they sink, they have been no ways inflated, or have received the air. They swam upon the surface of the water; but I believe they barely had received air, they were so triflingly inflated. I blowed into them afterwards, to convince the Jury of what a deal of difference there was when they had received a due portion, and when they had received little or none.

What is your opinion about this experiment?—I am not satisfied as to that. From my own knowledge and experience, I cannot positively declare that the child was born alive.

April 1767. WILLIAM WITHERS.

I am a Surgeon. I opened the child, and threw the lungs into water. They swam; from whence I *concluded* the child had breathed.

March 1768. MR. PATCH.

I am a Surgeon. I made the usual experiment upon the lungs.

Is that held to be a certain evidence of the child having drawn breath? *I should consider it a very inconclusive evidence.*

June 1769. MR. ABEL.

I told the Coroner it was a received opinion, that, if it had been born dead, the lungs would sink, but I did not know it was an infallible sign. I took out the lungs, and put them in water. They swam. I do not mention this as an infallible rule.

October 1770. DR. UNDERWOOD.

I made the experiment upon the lungs. It is usually supposed, that, if the child is still-born, and the lungs have not been inflated with air, they will sink; and that, if the child was born

—She is to conceal of course the cause of her shame. —The vicious court the mischief, and laugh at the infamy.—She is pregnant; more ground for concealment.—One fiction generates a second; at last a determination of concealment, extending to the birth and the body of the child.

alive, and the lungs inflated with air, they will swim. I tried part of the lungs in a basin of water; but I told the Jury, before the experiment, that, as the child had probably been dead four or five days, the general air would in that time be let loose from the body, and the lungs might swim. I thought, if it turned out in favour of the woman, it would be a proof that the child was still-born.

Qu. You do not reckon that experiment decisive, from the child's having been dead so long?—No, I do not.

April 1771. MR. WATHEN.

I *did* make an experiment upon the lungs, which was formerly thought decisive; but now that opinion is exploded, that a child that had been still-born, had not the lungs inflated with air.

September 1771. HUGH PINFOLD.

I opened the body. The lungs appeared in a sound state, and on throwing them into water they swam.

COURT. I think it is the modern theory, that that experiment is not decisive. It *is* held that this experiment is *not decisive.*

[Why then is it *received* in *evidence?* G. H.]

December 1778. MR. MIDFORD.

JURY. Did you dissect the body? —The Coroner ordered the usual experiment to be made upon the lungs.

COURT. *That is nothing; we never suffer that to be given in evidence.*

July 1782. MR. JOHN CLARKE.

I examined the lungs of the child. *It was plain, by the appearance of them,* that the child had lived.

I do not understand (says the Counsel) that that is a certain sign of the child's having been born alive?—Yes, if there are no signs of putrefaction.

It is a most cruel and vicious inference, that she had formed a deliberate purpose to kill the child, in order to conceal it the better.

We must go farther, and must be sure that it was a child born alive. This fact admits of proof by marks, and by circumstances; but Anatomy despairs to reach it. The experiment upon the lungs never should be discontinued; because, if they sink when fresh, it is demonstration that no breath was ever in that child; but the opposite fact is no proof that when born the child had life.

I told the Jury at *Presteigne**, several years ago, that we of the Court would never accept the evidence of that experiment *against* the accused, but I had

COURT. I have understood that that experiment upon the lungs has, *of late,* been held not to be conclusive?—In one way it has been held to be conclusive—if the lungs sink; but not to be conclusive if they float.

It is a common experiment, and for *that* case gives a degree of *probability*. If the lungs sunk it is conclusive?—Answer: Yes.

COURT. But I understand the floating of the lungs may be occasioned by other circumstances than that of being inflated?—No answer was given.

[This case is memorable. You see it was the year in which *Hunter* published his book; and you observe it is four years after the Court had said, "*We never suffer that to be given in evidence.*" Yet here it is not only received in evidence, but is made a *feature of probability* against the Culprit. She was tried before the Recorder—ADAIR, a very sound Lawyer, and a very able Judge; attended by BULLER and HEATH. G. H.]

* See before, p. 54; and see Mr. Hardinge's animated Letter to Bishop Horsley, in "Illustrations of Literary History," vol. III. p. 126.

not then seen the book in my hand. It was given to me recently by Sir David Dundas, and another copy of it by Sir Henry Halford. Both of them vouched for it, as for an oracle upon the subject. It was a Lecture, and became afterwards a published Essay in the Medical Transactions. The writer was Dr. William Hunter, the first Anatomist of his day, for depth of learning, for accuracy of judgment, and for benevolence of heart.—I will read you his corollaries; but, wishing to be also armed by living authorities of the first eminence, I obtained into my hand three Letters of three such men that Fame is divided between them, *Cline*, *Home*, and *Cooper*. Those liberally-minded Scholars and Citizens have generally imparted their enlightened suffrage to the sentiment which I had entertained. I shall read their pithy and perspicuous replies*. [*I*

* The Letters of Sir Everard Home and Mr. Cooper have been mislaid among Mr. Justice Hardinge's scattered papers; but the three which follow were folded up with the Charge:

"My Dear Sir, *April* 3, 1816.

"I have written letters severally to Sir Everard Home, Mr. Cline, and Mr. Astley Cooper, stating your question, and intreating that you may receive answers from them by letter by Saturday morning at farthest; otherwise it will not be of use to you to write at all.—I like to labour with you upon any subject—and only wish I had time to devote to such as interest your feelings so liberally. I write this in my carriage: but I am every where, with sincere esteem, my dear friend,

Yours Henry Halford."

"Sir, *Lincoln's Inn Fields, London, April* 4, 1816.

"I have received a letter from Sir Henry Halford, inclosing the following question, the answer to which I am desired to send to you: 'Is the fact that the lungs of a dead child float, conclu-

read them accordingly.]—After this time, I trust, it will be never attempted in evidence to establish

sive to demonstrate that the child was born alive?' The lungs of a child that has never breathed put into water, when perfectly fresh, immediately sink; but if the same lungs are kept until putrefaction is begun, then they swim. The effect of putrefaction is the separation of air from the animal matter with which it was combined, and then it recovers its elasticity, and thus renders the substance specifically lighter by increasing its dimensions. It sometimes happens that a child, when born alive, breathes a few times, and then expires without any known cause; therefore, the putting lungs into water, although they may float is not evidence that the child has been destroyed.

"I have the honour to be, &c. HENRY CLINE."

"MY DEAR SIR, *George-street, April* 5, 1816.

"I have not been able to see Mr. Cooper. My own opinion is, that, if the lungs float in water, it is an evidence that air, of *some sort*, has pervaded the air-cells, but by no means an evidence that the child has breathed, much less that it has been murdered; *for*, if putrefaction should have taken place, the air extricated during that process would insinuate itself into the air-cells, and, even if the child had been *still-born*, the lungs would float.—If, for example, you remove the lungs from a *still-born* child, and immerse them in water, they immediately sink;—if you *replace* them, and leave the body in a situation favourable to putrefaction, and, after a time, again repeat your experiment of immersion, you will find that the *same* lungs *float*. Consequently the *test* is *here* erroneous, and of course must *always* be considered as *liable* to error, and ought not therefore *(without other marks of external or internal violence)* to be admitted as decisive evidence of the *guilt* of the mother. This observation shews the necessity of minute enquiry as *to the time* between the *supposed murder* and the examination afterwards, that you may avoid the *putrefactive error*. The *time* will depend upon *weather, situation, &c. &c.*; so that nothing as *to that* can be specifically set down as a limit. Yours very truly, C. A. PEMBERTON.

the fact that it was a child born alive by the single fact that its lungs floated. But, if the child was born alive in strictness of speech, does it follow that it was killed by the mother? God forbid! If she did, was it a conscious act? may it not have been accident? may not the agonies of a self-delivery at first, and want of due preparation, kill the child? may not the united impressions of despair and fear create a partial insanity, the *delirium*?—I assume, in all these, a perfect absence of marks to demonstrate violence, though even they admit of distinction between deliberate and frantic. These objects claim at your hands a perfect solution, before, in the absence of direct proof, you accuse a mother of killing a child—a being so dear to the maternal impulse, that mothers have died at the sight of their own dead child.

HYMN FOR THE CHILDREN OF THE CONVICTS.
BY MR. JUSTICE HARDINGE.

Oh, Mercy's God, we *lisp* thy praise;
To thee our trembling hands we raise.
Thy love shall claim the early song,
To thee its parting notes belong;
No more of common rights bereft,
No more to ruin we are left.
By *us* no Mother's bosom press'd
Has lull'd the infant-cry to rest;
For *us*—by keen affection led,
No patient Father earn'd his bread;
With "*asking eye**," the filial prayer
In vain could prompt its answer there.
Before these lips could speak their pain,
We felt Oppression's galling chain;
To Vice *devoted—born* to share
The load that *self-accusers* bear;
'Till Mercy's feet our prison trod,
And gave us to *the Orphan's God.*

* Pope.

*** The following Lines, by an honest *Cambrian Bard*, are worth preserving for the good intention, whatever may be thought of the Poetry.

To GEORGE HARDINGE, *Esq. Attorney General to the Queen, and one of his Majesty's Justices of the Grand Sessions or Assizes in the Three Counties of Glamorgan, Brecknock, and Radnor.*

HARDINGE, sagacious, comely, good, and great,
In every thing becoming man compleat,
Thy tongue persuasive, fount of sense and truth,
Justly admired by me, who heard thee in my youth,
Nor umbrage take at this my humble style,
A plain Freeholder of this British Isle.
When on the venerable seat of Justice plac'd,
Your tongue with manly truths and rhetorick grac'd,
All then their powerful force must surely feel,
But those who 've heads of wood, and hearts of steel,
Instruction comes in such a beauteous dress,
And flows spontaneous, proper for the press,
Resistless powers to charm, instruct, and please,
With powerful dignity, yet graceful ease.
At once you charm the mind, and mend the heart,
And wake our moral worth to act its part,
Inspire the virtuous to be better still;
And force the bad, against their former will,
The duties of good subjects to fulfill;
Like Sol, on all you generously shine,
The ignorant reform, the liberal refine,
By flowing eloquence, powerful as a flood,
The vicious are inspir'd to morals good.
The rich resources of thy glorious mind,
Like a pure fountain, limpid and refin'd,
Flow freely for the good of all mankind.
Long may'st thou happy be; and Circuits make,
To weed out crimes,—make knavery to quake!
In wisdom rising of thy legal might,
Still prove the Champion of what 's true and right:
With eloquence keen, sensible, and strong,
Foil all that is dishonest, false, or wrong.

Kevan Cribba, near Pyle, Glamorganshire, South Wales, February 9, 1797. J. BEDFORD.

Address to the Grand Jury at Presteigne, in April 1815*.

Gentlemen of the Grand Jury,

A PAINFUL sense of duty, and of honour, compels me to deliver a Charge, more likely to offend than please those to whom I am gratefully and proudly indebted for the most partial indulgence to me.

I have an habitual prepossession for you, for the Magistrates of this County in general, and for the Community under their wing, who have demeaned themselves very much to my satisfaction.

But, notwithstanding this prepossession, I would sooner cut off my right hand than forbear to complain, in a temperate, but explicit manner, of any mischief, be it ever so popular, that shakes the pillars of Judicial credit.

My subject is a delicate one, but I must preface it with two declarations.

I conjure you to believe, that I impute no shadow of blame to any one of *you*, or any one of those who fill the higher classes here.

And I declare, with equal solemnity, that persons whom I shall be under the necessity of censuring by name have, by the general tenor of their conduct,

* This CHARGE should have followed the "Address to *Susanna Chandler*" in pp. 155–159; but the copy of it was not discovered in time for its proper place.

acquired and have deserved my esteem, Judicial and personal.

You have heard your oath. It is the Constitution that imposes it, not myself; to whom your character would be as an oath.

It calls upon you, to make diligent inquiry, and faithful report, of the topicks given to you in charge.

By virtue of that oath, and of my own, I give it you in charge, to investigate and report all the circumstances attending the escape of a capitally convicted Felon from the County gaol—an escape the most injurious to Police, to the legitimate sanctions of Judicature, and the vital interest of the Community, that I ever experienced, or could in theory imagine.

That escape has liberated, from the penal arm of judgement, a Female Convict, not only under sentence of death, but ordered for execution by a Rule of Court, upon a day that was named—after a long respite, obtained by a cheat, and contaminated by additional guilt.

A Convict, the most profligate, in a moral view (Murder alone excepted), that ever deformed the annals of Criminal Judicature.

A Judge who executes the rule of Law against forfeited life, and with no ear to mercy, but with undeviating severity, is a monster and a fiend, in British conceptions at least.—But where is that monster to be found?

On the other hand, a Judge who is a coward where severity well timed would be mercy well

understood, would be a disgrace to the Robe that he wears; would be perjured, and would merit impeachment.

As *that* Convict has created a popular cry in her favour, bordering upon obloquy against the Judges in this Court; I conjure you to mark the leading and prominent features of her guilt—so that you, who are yourselves elevated above prejudices like these, may undeceive, in the lower classes, that mistaken zeal of charity and feeling.

A Wife to a Farmer in decent repute—a Mother of several children—goaded by no pinching necessities—and seduced by no accomplices—behind her Husband's back, in cold blood, and by the aid of a servant, half trusted and half corrupted, commits three distinct forgeries of a Banker's note; and circulates them with astonishing address, at a period in which paper is coin, as the circulating medium of petty commerce, in the shops of the town or the village.

It was in proof against her, that she had acquired implements of this forgery by subtle contrivance, extending itself to many repetitions of the experiment.

They were forgeries of a little sum, and the better calculated for current articles of traffick—forgeries of a singular cast, though not unexampled, and which dispensed with all peril of detection, resulting from the imitation of a hand.

They were substitutions of a word, forming a number, and that word *printed*, in place of another sum, upon a genuine Banker's note.

Had this been *engraved*, instead of being *printed*, one shudders at the extent of the deception.

It would have spread all over the County long before the accuracy of the shop could have detected the counterfeit.

The evidence of her guilt was unimpeached, clear, and full.

Before she was tried, this object of popular favour sends a letter to me, accusing the late Under-sheriff (Mr. *James*) of murder, in fomenting these prosecutions to rob her of life, so as to disable her suit against him for some professional fraud—a man of as pure a character as ever breathed.

Shocked as I was at this depravity, I was mute, lest the disclosure of it should prejudice the Juries against her.

When she had been convicted, that very Mr. *James*, accompanied by the Sheriff, and Mr. *Davies* the Under-Sheriff, now before us, interceded with me here for the Convict's life.

Mr. *Davies* had peculiar weight in this application, as being the very Banker defrauded.

He confessed, with a candour inseparable from his character and from the tenor of his life, that forgeries were prevalent, that ignorant persons made light of it, and that none could bear a worse character than *Susanna Chandler*.

I loved *the man;* but I gave no quarter to his *arguments*.

I told him, as I tell him now, "that his firm is not of *Kington* partners alone; but that he is partner of

all the Bankers in *England*, and of the Bank itself: That he had no right, therefore, to sacrifice, at the impulse of his own personal feelings, that protection which the Law had given to these Guardians of commercial faith and credit." We parted.

In a very little time came a Petition to the Regent, with many respectable signatures. It asserted facts, and it argued in pleading to mercy.

Let it never be understood that I deprecate these intercessions.

I approve, and would court them—upon many occasions they would be a relief to us, and would enable us to shew mercy; where, unassisted by them, we could not recommend a mitigated punishment.

But I trust that you will coincide in opinion with me, as to the peril of signatures in the hurry of compassion.

This petition was written by Mr. *James*, then Under Sheriff, an Officer of the Court.

It contained five assertions, which had not a colour of truth—one of them, a point of Law, in which the reverse of that statement was the fact.

It represented *all* the Grand Jury to have signed —the names reaching not half the number.

It represented them all as having attended those trials, and as having attested the contrition of the Convict; whereas many of them were not at *Presteigne*, and Mr. *Frankland Lewis**, one of them, was attending his duty in Parliament.

* Thomas Frankland Lewis, Esq. M. P. for Beaumaris.

It sunk all the forgeries but one.

It represented the Law as new, though a century old: and its hardship on the penitence of the Convict, who had confessed her guilt and the justice of her doom.

In reply to this Petition, both of the Judges, under their hand, stated their opinions, "that an imperious exigency demanded the forfeiture of this Convict's life."

Mark, I conjure you, the improvidence of signatures like these.

What became of this *exemplary penitent*? Scarce fledged was this plea, before she wrote me a letter in her Husband's name, accusing all the Witnesses of perjury, and her own Solicitor of treachery—asserting innocence, and offering affidavits.

We came to the following Circuit. She appeared, was remanded, and was ordered for execution. She escaped—but how?—It was a *burglary*; she forced open the floor of her apartment, and, through another below it, escaped by a ladder of ropes.

This required *implements* and *confederates*—where all this time was the Gaoler?

"But the Gaol," we are told, "was insecure."—Was it? and so it *has* been ever since I came the Circuit. Why did not the Sheriff and his Deputy guard at least against this *one* escape?

I am told that not even *since* the escape has one stroke been attempted for better security against a similar accident.

I have heard, but I hope it is a calumny, that intemperance, force, as well as unlimited access to this woman, formed the habits of the Gaol.

These particulars, which I have compressed into a written paper, form the subjects of your inquiry.

As the War is at hand, paper will be more in requisition than ever; and I rather tremble at the influx of cheats like these, arising from the desperate and popular impunity of this Delinquent.

Having named Mr. *Frankland Lewis*, your Native, I give you joy of his figure in Parliament—which is that of a diligent and well-informed Statesman, a Patriot in philanthropy, and an honest man.

There is one Sheep-stealer in the Calendar. Humanity alone prompts me to say a word upon him, for the purpose of guarding you against the conversion of Trespass, or claim by colour of right, into Felony—I say that single word, because this time last year a bill found by some of your predecessors, ended in a case precisely of that import, and I directed the Jury to acquit the Culprit.

Extract from a Letter of Mr. Justice Hardinge to a Friend, dated "Presteigne, April 16, 180. . ."

"A Highwayman was tried before me this day, of whose guilt I had no doubt upon Earth; but the evidence could not bring it home to him. I told the Jury an authentic and curious fact.—In 1788, Dr. Reynolds of Bedford-square, the Physician, whom I personally knew, was robbed by a Highwayman in his chariot. A young man was taken up, and was tried for it. The Doctor said, "that he saw him for at least five minutes, and formed a distinct impression of him: that, if he had seen his person any where, he should have exclaimed, That young man is the *picture of him* that robbed me;" and the moment *I did see* him in custody, I said, "This *I verily believe* is the very man who robbed me."

"So temperate a manner of speaking made even more impression, than if his averment of complete identity had been perfect. Standing alone, however, it would not convict; but his coachman swore positively to the person."

"The two combined *must* have taken away this poor creature's life, if he had not by a miracle proved an *alibi*, circumstantial, unimpeached, and irresistible." G. H.

SERMONS

WRITTEN BY A LAYMAN.

[GEORGE HARDINGE, Esq.]

SERMON I.

ST. MARK. Chapter x. Verse 14.

"SUFFER LITTLE CHILDREN TO COME UNTO ME!"

INFANTS are types and shadows of CELESTIAL INNOCENCE—and *their* simplicity has a kind of *sacred aspect.*—There is no character of beauty so touching as the repose of a LITTLE CHILD. Nor is that ray of serenity which encircles its brow, lost upon *us.*—It soothes every passion to rest:—when the little cherub wakes, new life illuminates the features, in that *smile of endearment,* which no graces of the heart that is conversant and polluted in the world can emulate.

But *He* that *called* "LITTLE CHILDREN to *Him,*" *selected* them, in a moral and *Christian view*—as a kind of *living parable* to encourage those who—like *them*—had neither *pride*—nor *envy*—nor *ambition.*

Calling to him LITTLE CHILDREN, he took them up in his arms, and blessed them.—"Of such is the Kingdom of God" (were *his* words). "Whosoever shall not receive it AS A LITTLE CHILD, shall not enter therein."

Many are in Scripture the allusions to an INFANT'S purity, and the sun-shine of its breast, as the mirror and the temple of peace.

David compares the calm of a mind at rest, and in perfect "*unity with itself,*" to the unruffled spirit of a LITTLE CHILD. It is by the INFANT'S playful hand upon *the den of the serpent*, that even the kingdom of *Christ* is prefigured.

These are *allegories*—but INFANTS are chosen to impress the model of HUMILITY and of INNOCENCE, because, to that early and blessed period of human life, no malevolent spirit can find the way.

How is it, then, ye *Parents*, that such an altar of purity can be ever polluted?—that such beauty can be ever deformed?—that such a meek spirit can be inflamed?—that simplicity like this can be so violated?—*When* are the seeds deposited of those *vices* and *passions* that make a civil war in the bosom! *Why* is it, that advancing into the world, those who *were* LITTLE CHILDREN once, are slaves to a distempered and capricious anarchy at home, and seated in the very heart? *Why* is it, alas, that when told "*they are men,*" it is a tale of calamity impending over them, which no tears can deprecate—no panoply of human arms can avert!

These are no "*tares that spring up of themselves.*"—"*An enemy hath done this*"—and he hath done it "*in the night.*"

How often is *that* enemy *the Parent!* who not only does not *suffer* the LITTLE CHILDREN to go unto *Him* that so affectionately *calls them;* but shuts the door of *His* kingdom against them, and shuts it with *his own personal hand!*

A more *sacred* office cannot be imagined than *care of children* — whether in their natural guardians, or in those who are delegated by *them* to that solemn trust, or in the Nation at large, which is the *general parent* of *all* its children, but answerable to the *Universal Parent*—" *Our Father which is in Heaven.*"

Accompanying *man* from his cradle to his tomb, we can scarce believe him to be *individual*, and the same creature. — A helpless *infant*, and without speech—understanding—or thought;—a *child*, who *has* all these, but *as* a child;—the rude, unfashioned *boy at school*,—the *youth*, attentive to his manners, and graceful in his form;—the *man*, who puts away *youthful*, as well as " *childish things*," becomes the experienced and well-disciplined *warrior*;—the deep *philosopher*;—and the *cunning statesman*. — We find him commanding armies—investigating *other worlds*—or busily occupied in this—and, at last, *returning* to the LITTLE CHILD, in the helpless imbecility of dotage. Yet, in all these diversities of character, he is inseparable from the unity of his nature.

But though many differences in this human machine (external or interior) may result from the different *ages* of life, many *other* changes, and *for the worse*, are stampt upon the CHILD, in his playful journey to MAN, either by *neglect*, or a vicious *abuse*, or a fatal *misconception* of the *parental office*. *Water* is the same fluid still, whether indolent or animated, polluted or clear, just as it is fed and governed by the parent-spring. Even such is

the genial current of the human soul—refined or disturbed, enriched or impoverished, by its natural fountain, the *parent*.

One improvidence—to call it by no harsher name,—has been little considered; yet nothing is more false in its conception, or more baneful in its effect: we educate our children for this life, and there is not one school for the next.

"*What man*," said our *Saviour* (in one of his parables) "if *his son* ask him for a *fish*, will give him a *serpent*?"

In the gifts that are calculated for *this* world, few *parents* are so cruel; but in provisions for the next, few are innocent of this charge.

We infuse into our *children the wisdom of the serpent*, but unaccompanied by the *innocence* of the *dove*. We omit no pains to equip them for an elevated rank in the kingdoms of the earth; but we have no ambition (like that of *Zebedee's children*) to obtain a seat for them *in the kingdom of Christ*.

It has been said—"The world, and its present œconomy are so framed—and cannot be altered."

But, without prejudice to human *policy* (if it can deserve *the name)*, we can at least be *more* attentive than we *are*, to the natural *humility* of children—to their primitive *innocence*—to the *simplicity* of their character—the *gentleness* of their spirit—their *patience* of controul—and, above all, to the opening *interest* of their eternal peace. We can ripen their HUMILITY, of mere habit, into a vital sentiment of Religion—their passive innocence into the victory of

self-denial; their *blind simplicity*, into singleness of heart. The *gentleness of their* spirit may be elevated, as it proceeds, into *benevolence, friendship,* and *love.* Their *discipline* can be made so *familiar* to their duty, that it would cease to be *felt*—and just conceptions of the *Deity* could make these virtues their own habitual recompence.

I shall at present confine myself to their HUMILITY, and their INNOCENCE.

To begin with HUMILITY, and first as it applies to *children* of either sex, but especially in the superior classes of life.

The HUMBLE aspire to no *exterior* acquisitions, and least of all to INORDINATE WEALTH. Yet, where is the *father*, by whom *his children* are told, "that good sense and purity of character form a better portion in the married state, than Oriental profusion, if unaccompanied by these, can ever impart."

HUMILITY is MODEST, and blushes to be ADMIRED. In this view it is a pearl richer than wealth ever bought. Never can the attractions of graceful talents, or of beauty in the form, be so pre-eminent, as when their softened lustre, in the conciliating form of sweet HUMILITY, can interest the virtuous, and charm the wise.

HUMILITY has no ambition of HONOURS, and of that feather—a NAME:—yet few are the *parents* who tell a son—"It is *their* wish that he should enjoy with prudent œconomy this life, and prepare for the next." Is he not rather told, "that indolence is criminal, and spirit of enterprize an essential vir-

tue?" The way to secular preferment lies before him. *Fame* smiles upon him, and flies, to be pursued. *Ambition* acquires the feverish thirst of insatiable avarice, and the native integrity of the character is no more.

Thus *we* lay the seeds of human vanity in our own offspring, and bitter is their fruit. *Jealousy* poisons the balm of rest—and the rank, or credit of a competitor, is a thorn upon the pillow—but *we* have planted it *there*.

Humility is the *Religion of Christ*. It was the temper of *his* mind, and the living precept of *his* example to his followers:—he *began* with *blessings* upon it; and it was almost his *parting* breath, to lay THAT *yoke upon* US.

As a virtue of the *Gospel*, it is a diffidence in ourselves and a confidence in *Him* that is *the Shepherd of his flock*. It is the temper that best prepares the mind for *Christian* purity, in *faith*, and *love*;—those angel-spirits, who elevate the pilgrim of *this* world upon the wings of hope, to that scene of unfading honour, in which THE HUMBLE (upon *Christian* principles of HUMILITY) are SURE TO BE EXALTED—and for ever.

The parable of the guest who took the lowest place, and was called up to the highest, exemplifies the *celestial policy* of unassuming and gentle Spirits.

"*Before* honour is HUMILITY," said the wisest, and greatest of men. *He* was tired of earthly honours, and found them "VANITIES."——"BEFORE honour"—that is, BEFORE it, in being *superior* to it—

in soaring *above* it, with ambition of a more elevated strain—to the honours of "*the just, made perfect.*"

After all—*who*, and what, is *man*—that *pride*, so little made for *him*, should condescend even to *know* him? A little insect upon Fortune's wheel?—a shadow, that passeth away from a theatre of titles; and, stript of the habit worn for a day or a night, is left naked upon the bed of death?—Cold are the hands, and pale the lips, of *him* who was canonized by his own self-conceit, or made a demi-god by his flatterers.

Are you *well-born*? HUMILITY pollutes no drop of your blood:—It never *can degrade*—it *exalts* the character—it brings the figure out of the canvas, and makes it the *more* prominent, by its gentle demeanour to men of inferior descent.

Are you RICH?—Tell us you are, by acts of beneficence to the poor!—Comfort the disconsolate! and patronize the neglected pilgrims of the world!

Are you POWERFUL?—Away with your sycophants! It is your POWER they love—it is *not* your MERIT.

Have your *abilities* made you thus eminent? and can *this* be your pride?—Is it not the mark at which envy, malice, and revenge, level *their* poisoned arrows?

Is it LEARNING?—Alas! it is a beggarly parade of shreds, and remnants at the best.

Is it BEAUTY? Let it have its pride, when it is accompanied by *virtue*, and when *simplicity adorns* it: but what is it, when a vicious character inflames the cheek, or dissipating habits chill the lustre of

its bloom? A curse, and snare to the mind, a pestilent *weed* in the garden, or the field.

HUMILITY is the reed, which gently gives way, and scarce feels the tempest when the cedar is torn up from its root.—HUMILITY, when it loses the point at which it aims, *loses not itself.* Pride makes the envious—*humility* the *resigned: he* blames not the sun, if it should *not* ripen *his* vineyard; because he knows the world, and its fortune, were not made for *him*;—but equally knows, and feels, that *every hair of his head is numbered in heaven. He* lays him down—sleeps—and rises again—for "*the Lord* sustains him"—his "*patient abiding*" shall never perish, and *God* has told him, "that he *shall find rest* upon the *holy mountain.*"

Preserve then, ye *parents!* in your *children*—preserve and cherish, to the last moment of *your* influence, *this* part of the heaven they enjoyed when they were in the arms of the nurse! admonish them, still, "*to refrain their soul*" (as *David* expresses it), and *keep it low as that* "*of a* CHILD *just weaned from its mother!*"

From HUMILITY let us proceed (and it is a natural step) unto the path of INNOCENCE!

The absence of *guilt* in a *mere child* is a passive bliss, and with no distinction of *mind*, or *will*; but in a *man*, it is the victory over *passions* and *frailties.* In a follower of *Christ*, it is the sacred oblation that must wash the hand, before it can *touch* the altar.

Parents! ye cannot be *too* vigilant in your custody of this *jewel*, which your INFANT CHILDREN

brought into this world! Ye cannot be *too* sedulous, to avert (as well as deprecate) vicious examples, or to disarm *their* ascendant by wisdom, and by religious discipline;—that *your* son may "*envy not*" the depraved, and may *chuse* none of *his* ways—that he may avoid *his* path—may *turn from it*, and *pass away*.

But *innocence*, and its mild aspect, are too often discouraged under the miscalculated fear, "that it would check that *spirit* and *grace* which are necessary to the *business*, the *ceremonies*, and the *policy* of this world."

Let us appeal—against this calumny upon the world (even as it is) to experience in the other sex. How many, like *Rebeccah*, "*veil themselves*," and bring their innocent blushes to the altar of marriage; but with understandings, and with principles, adorned by the most elegant manners, and sustained by the most judicious conduct. In the married state, with *levities* and *vices* around them, in the fashion of the day—at home, or in the public scene, observe how dignified is their virtue! how interesting their good sense! how unembarrassed their delicacy! and how serene their enjoyments!

But where is the *dignity* of the *depraved*?—of those who have banished all reflection, or who shuffle with it, and prevaricate with conscience, or sink under its weight in the solitary hour that *will* intrude?

Alas! when Heaven has left the mind, is it free? Have no other *lords* dominion over it? Is it no

captive to malicious and cruel spirits, when subjugated by imperious passions, and bound in fetters of iron, by the terrors of guilt?

Invert the picture! Look at the "*holy*," at the "*undefiled*," and "*separated from sinners.*" Look at the celestial dignity, which the *perfect God and perfect man* displayed in the sufferings *he* underwent, and the shame he endured, for the redemption of the world.

It has been well said, by a Pagan Philosopher, that none have such devotion to virtue as those who forfeit the *repute* of it, in exchange for its *whisper* to their conscience. This model our blessed *Saviour* has wrought, for an example to *his* followers. *He* exposed his *character*, as well as *life*. He was rejected, *vilified*, scourged, and then executed, not only as wicked and criminal, but as an abject slave. He took the *infamy* as well as the *infirmity* of the lowest criminals. It was a formal process, though full of mockery and of insult—it was *testimony*, though perjured, and self-impeached!—It was a judicial sentence, though injurious and corrupt, which immolated that precious life upon the altar of *shame*.

Where is DIGNITY like *this?*—Examine it well, ye cowards to *God*, though brave in the sight of *men! Look* (if *you* have *courage* to encounter that blaze of light) at the *Son of God*, in the vesture of decay,—in your own perishing form!—See him attest, with insuperable constancy, *the God of Truth*, and sustain the purity of his heart!—Contemplate his meekness in the endurance of wrongs like these!

—Adore, though you cannot emulate, his patience under such corroding adversities!—Venerate (and with a degraded sense of your own despicable pride or fancied independence) that heaven-born sublimity of undeviating rectitude, which, never deserting the object of his mission, was yet a pattern of submission given to the princes of men! See, and refuse to *worship*, if you *can*, his *charity*, when it excused as well as pitied those who led him to death! his joy in suffering, to save *them* by whom he suffered!—his faith unshaken!—his love unimpaired!

"It was the cup of poison (we are told by a Heathen Moralist) that made *Socrates* immortal, and carried him out of prison to heaven upon the wings of *innocence*." But what are the *virtues*, or the *sufferings*, of this great and good man, to the *purity* or the *fate* of *Christ*? or what *His* dignity at *Athens*, in comparison to that which courted infamy at *Jerusalem*—invited scorn—embraced a servile habit, and preferred even the death of shame, to life and power upon the imperial thrones of this world, because he could not accept them without sin?—What elevation of spirit was *there!* and how superior was its rank, to the infernal pride of guilt upon *Jerusalem's throne!*

Here then we have "*the kingdom which is* NOT *of* THIS *world;*" and it is *here*, the INNOCENT are KINGS—not in external power—not in dominion over men (promoted by terror), but in that purity of spirit which governs the heart, is cherished by virtue,

and is led by angels, through the shadow of death, to a scene of bliss that never can pass away.

INNOCENCE gives comfort, and repose—It HAS the *wings* of a *dove*—it *flees away, and is at rest.*—The death of *Socrates* was a *gentle sleep*—He was never more inspired in eloquence, in wisdom, in moral purity, or in bright conceptions upon the nature of the soul—never more signal in complacency of manners, and sweetness of temper—than as death was at hand;—and as the reward of INNOCENCE, prophetically anticipated, cheered his prospect of a life beyond the tomb, though appearing in faint shadows to *him.*

The temper of *Joseph* (except when the tear of joy oppressed him, and he *wept aloud)* was the uniform tenor of a mind *at rest,* because "*at unity with itself.*" His brothers at home, when they had sold him, and his abandoned accuser in *Egypt,* had no such *rest,* as a good and spotless heart gave to *him.*

Susanna's eloquent answer was prompted by the dignified repose of INNOCENCE AT HEART, when she said:—"If I consent, it is death UNTO ME—It is better to fall into *your* hands, than to sin *before God.*" When her accusers laid their impious hands upon her head, "she *looked up towards* Heaven;" when they led her away to death, she made, with fervent hope, a solemn appeal to the *Judge of all the earth.* It was the *serenity* of a mind, sure of its advocate, in *a Court which could never be misled.* The voice of that appeal was heard.

INNOCENCE has a kind of *divinity* that presides over it, in every age and view of human life. To the INNOCENT is light ever present, in the depth of gloom. *They* sit in the centre, and they enjoy the meridian beam; for the sun is in their breast. They are fearless of the *terror by night*, or the *arrows by day*. *Their* worship of God is in the *beauty of holiness*; and *his* Angels "*have charge over them.*" *Upon the lion, or the adder, they* walk in safety—their tears are noted in Heaven; and if they have *sorrow in the night, joy cometh in the morning.*

Consecrate, *ye parents*, this holy virtue in your *children*; and put every fence around it, that human foresight can suggest. *Bind it upon the neck, and write it upon the tablet of the heart*—lead them to the *path of the* good, and bid them *look straight before them!* In sleep watch over them! Are they awake?—enlighten them! *Tell them*, "in laughter (that is vicious) *the heart will* be sorrowful, and the end of *that* mirth will be *heaviness.*" *Tell them*, "in the fear of the *Lord* there is confidence, refuge, and the fountain of life." Thorns and snares are in their way; but, if they can learn *to keep the heart, a guide unseen* will be at hand—a *Redeemer* from peril—a Comforter—and a *God.*

Spirit of love and peace!

Friend and *Saviour* of the HUMBLE and of the INNOCENT, who, in this form of LITTLE CHILDREN, were thus accepted by thee!

Conduct them, we implore thee, in the path which *thy* footsteps have blest!

CALL THEM again to *thee!*

Lay thy hands upon them, and bless them! Feed with them as the lamb; and spread thy wings over them as the dove!

"*Call them!*" by the merits of *obedience unto death*, and the peace-oblation of a celestial attainment!

"*Call them!*" and they shall *run* after thee.

To whom, with *our* Father and *these*, be devoted and consecrated, these living, though imperfect shadows of *thy* image, and virtue, now and for ever! —*Amen!*

SERMON II.

FIRST EPISTLE TO THESSALONIANS, v. 16.

"REJOICE EVERMORE."

OH, good Apostle! how acceptable are the rules which thou dost here prescribe!—Oh, blessed God! how gracious are the laws imparted by thee!

What can the soul desire more, than to be in continual mirth and alacrity of spirits?—But that *joy* should be *commanded!* Superfluous (it may be said) is that precept, "*Rejoice!*"—Who aims at any thing else? Do we not all coincide in *Solomon's* aphorism, that "*a man hath nothing better than* to

be merry?" Would it not have been more judicious to invert the rule?—to recommend the sobriety of pensive thoughts in the depth of solitude, in the repose of silence?—to repress the idle effusions of the animal spirit, and the dissolute gaiety of the heart?

But, alas! consult experience; and look at the world!—no precept is more disobeyed. The scene of man is a theatre of trouble, solicited and cherished by himself. Did not he who surveyed all the works under the Sun truly exclaim, that he found them "*vanity, and vexation of spirit*?" Where is JOY to be found?—We look for it, but has it ever been seen?—We are all, or most of us, earnest in the pursuit of it: we ramble through every forest of creatures—beat every bush of nature for it—hoping to catch it, either in the endowments of capacity, or in the improvements of learning, in fortune's gift, or in the acquisitions of diligence, in temporal wealth, in sensual enjoyments, or in ludicrous diversions: we hunt for it, all of us, though following a different scent, and running in various tracks; *these* in plodding for singular discoveries, or opinions; *those* in compassing ambitious projects, or amassing wealth;—some, in the habit of subtle artifice, and mischief—others, in the wild career of sensual gratification; some, in convivial mirth, in the song, and the dance, "*in silver and gold, men-singers, and women-singers*;—in the *arts*, whether useful, or elegant—in the realms of genius, or of taste—in eloquence, beauty, and wit:—But, mark

the result! Faint is the shadow attained, at the best:—its causes are slight, and mutable—its touches, upon the animal sensibility, expire, before they are well enjoyed: and that enjoyment (short as it is) tempered with regret, flurried by accident, satiated by habit, or stung by remorse. Even in "*laughter, sorrow* is at the *heart:*" "*sweet* is the *taste,*" but the "*gall of an asp within.*"

Let us, by examining, detect the futility of these hopes to "*rejoice evermore,*" in familiar views of them.

Let us go to the table, and let us drink wine!—It is rage—it is noise; an airy scene of pleasures, fugitive as well as degrading. In vain does our credulous and youthful simplicity *believe,* that an ample and flowing cup would banish every sorrow, would expand the genius, would enliven the wit. After a late revel, and protracted feast, wild is our dream, and feverish the effort of repose:—but, alas! the morning is to come: the Sun is at the window, and it flashes upon us the light of a self-accusing conscience.—"What has been said? (we ask ourselves:)—what has been done? How flowed the mirth?—and, above all, what has been the source of it?—Perhaps the jest, that made the table so loud in its applause, owed its pretence to some false notion, to the perverted sense of an ambiguous word: perhaps to the error of *this* man, to the fault of *another:*—topicks which good-nature would forget, and prudence fear to commemorate, unless to *reform.*"

Transports of *intemperate mirth* are as flashes of light from a deep cloud in the tempest;—they darken (by the contrast) the weight of gloom that buries them: To *him*, that entertains the least impression of *Christian* faith, or *Christian* morals—these wild orgies are converted into the fearful banquet of the suspended sword, that may fall at any moment upon the head.

Let us go to the *selfish voluptuary* next, in all the changes that art or wealth can suggest. Let us follow him to his great works; to his vineyards, gardens, and rivers. One essential point of *his* enjoyment (such as it is) will arise from the *envy of others;* and, if he is unadmired, he has "*lost a day.*"

But *can* the *selfish* be innocent?—He must be *active*—none are thoroughly indolent:—it is not our nature; and what is called *strenuous idleness* will soon tire us. *Vice* takes the opportunity, and claims our attentions;—the mind is then disorderly, and can take no rest. In vain it has recourse to the timbrel, and the harp; *disgust* pursues it; ill-humour stings it; our spirits flag, and pleasure animates them no more.

Joy is like the air—it is necessary to the movements of the heart. If the natural air be infected, it is injurious, if not fatal, to life: even so the *joy* that flows from a corrupted source, pollutes the taste, and functions of the heart. Ask the vicious in his dying breath, if he would recommend *joys* like these to his children after him.

Criminal pleasure is the bane of happiness—moments of delight more feverish than real—and years

of regret, that have nothing visionary in *them*. Character injured—the health shaken (if not broke) —and peace of mind, at an end for ever!

Let us imagine a *less hateful*, but equally *despicable* and *wretched* character—that of mere self-indulgence, which is not active enough to be vicious, and vegetates in a dull round of amusements, but exempted from the labour of doing good, or the pain of sympathy. To what shifts at length is a mind like this reduced!—The habit of indulgence is, after a time, the death's blow to itself, and the taste becomes either vitiated, or too dull for its office.

One may imagine the *Roman* Poet and Philosopher, in one of his pictures, living to-day, and living *here*. Nature is always the same in its follies; and "*there is nothing* (in the words of *Solomon*) *whereof it can be said, this is new*."

"If men could *know* (said he) as they appear to *feel*, that a weight is upon their mind;—*what* it is that lays it there, and *from whence* it comes, they would not lead such a life;—they would know at least their *own wishes*, instead of inquiring after them: nor would they *shift their position*, as if it would enable them to part with a burden.

"See the owner of that great house! how often he leaves it because he is tired of being at home—and how suddenly he returns, because he can discover no object more interesting abroad!—then drives to his *villa*, with horses absolutely wild in haste. When he reaches the gate, he is half asleep; tries to *forget himself*—or with equal speed re-visits the town."

I said, that his happiness was incomplete, if he was not envied; but what if *he* should envy others? —All his real superiority is at an end, if "*Mordecai the Jew sits in the king's gate:*"—that is, if another, in the minutest part of *his* advantages, obtains preference over *him*, and is *more* envied.

The courtier supplanted—the beauty superseded —the man of address overcome by superior talents of the same kind—the wit beat at his own weapons —will tell how fleeting are the *joys*, and how bitter the pain, attendant upon *their* acquisitions. But even let every thing succeed, and let your spirits be light as air, what is life, but a river that undermines the bank, wearing, and corroding its materials?— Year after year takes away something, till the little that remains totters of itself, and crumbles into the dust.

We must therefore look for *joy* in *other* sources: —we must find substantial blessings, and consistent happiness.

It is an impious falsehood, or a weak and mischievous error concerning Religion, to assert that it claims a morose life—bars all delight and good-humour.—"*Piety* (as the wittiest champion of it archly said) *enjoins dullness to no man;*"—it is the fountain of pure and steady life to the animal spirits;—all its pleasures have a deep root in the heart. *Joy* is indispensable to Virtue and Religion; —it is the *duty* and *privilege of the good.*

Religion confers two important requisites—blessing *without*, and blessing *within!*—bright and solid

materials of *joy* in a thousand acquisitions of good (with a more exquisite relish for them in the bosom) play around the virtuous man, and with peculiar smiles for *him*. The order and beauty of the universe captivate his affection;—invisible Angels guard him in every path, and shed a ray of no common lustre upon his countenance;—raise him when he falls, and console him when he is afflicted. Old age may advance upon *him*, and the *tabernacle of his flesh* decay:—but a fair prospect opens to his view—a scene of bliss, unfading as eternity itself.

Religion gives a calm, but not an unvaried or dull tenour to the current of the soul. Numberless are the varieties of pleasure to him who *rejoices* in virtue, "*and serves the Lord with gladness.*"—"*My son, give me thy* HEART!" is the endearing command of God himself to his children. Exclude *joy* from his *temple*, and there is nothing left but compulsion or interest;—exclude *joy* from piety, and it will never *last*. Ingenuity will be fertile in evasions, when *pleasure* is *here*, and *mere duty there*. No *perseverance* will be found, and much less *activity*, or *zeal*. The attempt will be awkward: it will be a task; *escape from punishment*, the sole aim—and our plea, that of the servant who kept the talent asleep: a bargain for immunity alone. *Such* Religion is the cold shelter of an abject and a servile mind: it *may* form the ritual of a *sequestered monk*, or the penance of an *Eastern idolater*,—but it has *no* concern with *our* homage, who "*worship the Lord in spirit—in truth—in the beauty of holiness.*"

Religion gives benevolence and sweetness of temper—cheerfulness and serenity—the energies of independence, and the gay spirit of perfect liberty:—it enables the good man to extract from all around him fruit and flower; adding the *balm of innocence* to every delight.

Religion, too, *commands*, what it *inspires*;—it *claims* our *joy*, as proof that we are *sincere*. We *cannot love* God, or *feel* the cheering light of his *faith*, and of the *hope* which it has infused, without alacrity, and spirit in the service, of "*perfect liberty*," and in the labour of "*perfect love*." Moping and sullen grief is an insult upon our attachments to *him*: where our treasure is, there is our *delight*, as well as our *heart*.

But what are these pleasures? and *by what fruits* are they known?—In "*doing justice*"—in "*shewing mercy*"—in "*walking humbly before God*"—in the virtue that is its own reward. *Joy* is the *good man's heritage for ever*, and *songs are in the house of his pilgrimage*. The law that HE is to obey, is "*the delight of his heart*"—"*sweeter than honey, and the honey-comb*."

The *Æthiopian*, when, converted by *Philip*, he became *Christian*—felt a new sun at his heart—and "*went away rejoicing*."

The levity of animal spirits *alone* is forced as well as humiliating; but native cheerfulness, be assured, is virtue's offspring. The *joy* of the dissolute is an occasional ferment, that of the temperate a permanent habit:—*one* degrades, the *other* vindi-

cates the character of reason. It is a *modest* and a *chastened* gleam of pleasure;—for caution must ever be the shield of all our blessings against abuse;—we must "*rejoice* with *trembling*,"—not with *pusillanimous* fear, but that which is inseparable from ingenuous love—*the fear to offend.* Threats and promises are alternate in Scripture;—it is a temple that we cannot approach without a pious and reverential homage, though we should never enter its gates without songs of grateful and fervent *joy*.

Religion resembles the giant scenes of picturesque beauty—the *mountain*, the *rock*, and the *ocean*.

Delight is tempered with a *solemn* cast of mind—a kind of *adoring affection.* It is *not* like the gay landscape and flowery meadow: if it were, and gave no impressions of *alarm* or *vigilance*, the *wise*, alas! would soon be *improvident*, the *humble* would be soon *presumptuous*.

But *pleasure* is more exquisite, in proportion as it is refined. God would have us resemble *Him* in perfection of happiness: He has prepared a heaven of bliss for us hereafter, and would have us *in Paradise* even *here*.

What is *the Gospel*, but, as the Angel said of its intelligence, "*tidings of great joy?*" What *rapture* can praise or bless, in terms glowing enough, this unequivocal notice of a *redeeming atonement*, by a "*Saviour*," who is "*Christ the Lord*," and "*Immanuel, God with us?*" How does the Almighty represent Himself, but as the God of peace, hope, and comfort?—Why does He call us to Him, but

that He may "*wipe away all tears from our eyes*," —that He may "*give us rest*,"—that we may "*enter into his joy*,"—that "*it may be full*,"—and *such* as "*no man can take from us?*"—What is the overture of the Gospel, but the gift of a *Comforter who is to abide with us for ever?*—What is the kingdom of God, but "*joy in the Holy Ghost—a light of joy for the righteous*,"—and "*gladness for the upright in heart?*"

Oh, thou pure Fountain of bliss! Parent, Saviour, and Guide! never leave our spirits!—banish every painful desire—every importunate passion from the heart! every captious word from the lips!—make us remember that we are *Christians!* and preserve to us *that sweet innocence* which is due to the name! that liberty, which is the essential character of service *to thee!*—Remind us, every day, and every hour, of the dignity we inherit, and of the hope that smiles before us!—At peace with Heaven, with conscience, and the world!—Friends and children to thee—let us never be out of humour!—Give us, in every change of human life, access to thee, in *whose presence there is fulness of joy!*—Guard us from all peril! dissipate every fear! Pour upon us the dew of *thy* peace, and put every thing *but thee*, below our ambition!—Inflame us by no contentions; but animate us with *good-will to men*, as well as *glory to thee in the highest!*—Make every man's good our own, by our charities and affections!—Calm our inordinate appetites, and perverse hu-

mours! the distempers of the soul, and the turbulent enemies to its *joy*.

Thy Heaven is the region of bliss—thy "*ways are pleasant*," and from that fountain of love no *bitter* streams can flow. *Guilt* alone is the parent of *anguish*:—*Innocence* and *alacrity* are inseparable companions:—make them (we conjure thee) a Heaven to us, even here!—Lead us to that spring of *joy*, which, whoever shall taste, *shall never thirst again!*

Check not the zeal of our hope, that we shall be *immortal*, and raised from the dust into *thy bosom!* whom "*having not seen, we love*; but *whom yet believing, we rejoice with unspeakable joy*." Give us faith to ask of thee, "*who givest liberally, and upbraidest not*" (a gift, and spirit of giving, unattainable in this world!)

Can we be under the shadow of *thy* wings—can *thy* love be our shield and buckler—and shall we not say, "*The Lord is our strength, and therefore shall our hearts dance for joy?*"—Shall we not repel the insurrections of trouble and grief by that charm which thou hast given us—"*Why art thou so heavy, O my soul? and why art thou so disquieted within me? Oh! trust in God, for he is the health of thy countenance!*"

Who in Heaven can be compared unto thee?—There is none upon earth we can desire, but thee!—Our instinct verges to thee, as to its only centre: we can have no resting-place, till we are fixed *in thee!*

And *can* we, O God of Mercy! fix our eyes upon infinite beauty, or cleave to infinite happiness in

thee, without *joy* in the offspring of thy love?—*thy* children—*our* brethren!—How sweet is the *joy* of the "*cheerful giver*" whom thou lovest, and who puts forth what he gives, to interest a thousand fold!—What ingenuous triumph, in the forgiveness of injuries!—What a fund of delight, in rejoicing at the good of others, in appropriating *their* acquisitions!—What a perpetual feast, is a conscience at rest—a religion of peace—and a sure hope of eternal bliss!—May *we* enjoy that feast! and "*rejoice evermore!*"—AMEN!

SERMON III.

ST. LUKE, chap. ii. verse 40.

"AND THE CHILD GREW."

This CHILD was the *Son of God* in a human form.—Conceived in our flesh, he came into the world a little child,—"GREW"—and arrived at the age of man; suffered the pain of death,—was buried,—and (with Divinity renewed) ascended into Heaven.

It was not for himself; but that *our* children should follow that child in the path which he made for them (between their cradle and the tomb); and from that bed of sleeping dust, should ascend after *him*—be changed into his living spirit, and *put on his incorruption.*

"THE CHILD GREW;" but in meekness of temper, and simplicity of deportment, he remained a CHILD: —Though inspired at an early period with astonishing wisdom—though in favour before God—superior to Angels in power—"*speaking as never man spoke,*" and commanding the elements of Nature itself—though "sea and winds obeyed him"—infernal spirits and the shadows of death—his purity of heart and sweet affections were never absent from one step in the path of his life.

It was in this "*light before men,*" that he softened the lustre of his other attributes. And as he descended in the way to us, we can rise in the way to him. These are human virtues, and they are human blessings; but in "*the child*" they must begin.

The mind that is young and fresh, is ready for the seal which habit, example, or discipline, may impress upon it: like precious gold, it is at once the purest and the most easily wrought;—it is a tablet, upon which all that is good may be written, without obliterating prejudices (for they cannot be there):—a soil that has no weeds in it:—the affections, awake; the fancy, alive, and brisk; the memory, new;—and thought, as free as air:—entangled by no interest, and stifled by no pleasures of the world:—it "*sees visions*"—and with an eagle's eye; —stung by no remorse, and weakened by no despair; —full of courage, and of alacrity,—hope dancing before it:—The morning-star of life hath risen; filial duty is the teacher of love—and simplicity, the fountain of moral virtue.

It is *then* your children should *learn of Christ*, and GROW, as that *blessed* Infant "GREW."—Simple as the violet, and pure as the radiant heaven that smiles upon them. It is *then*, ye parents! that in simplicity and good affections "*a little child should lead them.*"

Simplicity is the earliest principle of man, that knows itself, and feels its own ground with ingenuous pride. Reason, when it pleads the cause of this virtue, requires no advocate. In other words, it is like the virtue it recommends.

It argues thus:

"An all-seeing eye views every secret thought—is '*about the path*, and *about the bed*'—strips every deceit of its covering—developes every artifice, and brings *every hidden work* into *judgment.*

"How vain, then, as well as impious, to dissemble with God!—and prevaricate with *Him*, in concealments from the world, or in the act which gives the lie to the tongue!—How vain, to hope, that in the '*Most High*' there is a '*want of knowledge*;' that he '*hideth his face*,'—*hath forgotten*,—and *will never see it!*"

"Ask the disingenuous how they calculate, and what is their *œconomy*, when they are cowards to men, and brave to *God?*—if, indeed, such cowardice could have such courage. But has it?—Can they look their secret avenger in the face?—Can they offer their conscience, without flushed and guilty fear, to the Angel of repose at the hour of night?—What champion is on their side?—and what friend

is at hand?—Let them sleep (if they can) with a heart that is light! or let them bound over the rocks of the desert with unsuspecting feet!"

The *simple-hearted* is under no restraint, and keeps no jealous guard over his memory or his tongue.

It is the definition of *art*, that it must be self-concealed: and if it could be so fortunate, how mean is the talent, that wishes to appear the reverse of that which it is!—that borrows the deportment of simplicity, but must ever borrow it in vain!—Can the harlot blush? or the knave catch the fearless eye of truth?—Can he walk like other men?

Simplicity, unsuspected itself, has no suspicion of others:—it catches not the whisper;—to report, or secretly to resent;—is never in ambush against the indiscreet, and has no wish to detect them.—*Suspicions* are like bats, that have no wing but in the dark: they are clouds of a distempered mind; they are vices of a timid character.

It is a libel upon *simplicity*, that it should be represented as of a nature unmanly or humiliating: it is the loftiest and proudest eminence of courage and of honour, when it prefers the sacred interest of *truth*, to any advantages that *artifice* can obtain:—it is a pearl that courts the light of the day; when falsehood is the counterfeit, that cheats in the masque at night.

We are told indeed by a modern Philosopher, "that *simplicity* is unbecoming and ill-bred; that we should have *open countenances*, but *thoughts imprisoned*;—that we should habitually deceive the world,

and most of all the other sex, for the purpose of ensnaring them;—that *grace* cannot exist without *art*;—that *nature* is a perfect savage in the polished world, and merits no quarter in the circles of genius or wit."

May this infernal creed, and vicious taste, be ever banished from our manners! and may *simplicity* be the national character still!—In *eloquence*, in *beauty*, in *wisdom*, and in *moral virtue*,—it is the honour of man's nature, and the most engaging aspect it presents to the world. But what is it before *God*? —It is the "*soul*" that "*He*" will *require* "*of us*" all—*naked* as it first appeared in the world, and *before* the "*child grew*;"—it is the pure spirit of Angels, or of the just, who are blest inhabitants of eternity with *Him*;—it is the "*Lamb*, who gave to *us* the victory," which *He* obtained over the subtle artifices of the world—over human interest, ambition, or pleasures;—it is that *spirit of Christ*, which (unless *we* can obtain) we are none of *His*;—it is the liberty of those who are *children of God*;—the *living sacrifice* and *reasonable* service to *Him*.

It is the character of the *New Testament*, which is unaffected and plain; without artifice and without effort, but commanding assent in the sober majesty of truth;—it is the *fear of God*, which (in this world) is integrity of conduct, and purity of heart; or, in the words of *St. Paul*, the testimony of conscience—"*that* with *simplicity and with sincerity we had our conversation in the world*;" speaking as we thought—*keeping* our promise—and being, as we appeared.

Can the "*feet*" be ever "*beautiful*" *upon the mountain,* that have strayed from the path of the Gospel, in this world?—Can those hands receive the wages of the just, that are full of extortion or theft? —Will the head be ever crowned with peace and love, in which there is nothing (when it goes to the tomb) but craft and perfidy?

Let *ornament* be a little better *understood* among us! Let it not be the *outward* adorning of *plaited hair*—of *gold*—or of *apparel*—but the *hidden* man of the *heart,* in that which is not corruptible;—the ornament of ingenuous minds—of sincerity, and of truth!

Meekness, another quality of the *child,* should never be discountenanced in the *man.*

It is from the reverse of such a temper, that *anger* and *revenge* derive their sanguinary current. —Let us warn the child, by appeals to the goodness of his heart, against a merciless treatment even of animals—of the minutest insect—the *worm* and the *beetle*—who, in the *corporal* sufferance of his death, feels a pang as great, as we (that are tyrants to him) feel in ours.

Let us warn him against the passion of anger:— it is the bee, whose life is in the wound he inflicts: —it is the self-tormenting spirit.—Look back upon it! (when the fit is passed) how weak and shattered are all its powers! how keen its regret! how bitter its penitence and shame!

Revenge is undisciplined and wild; but it is also bad husbandry in pride itself. In revenge you are

upon a level with your enemy—in forbearing to indulge it, superior.

"*Blessed are the* MEEK! *for* THEY *shall inherit* the earth."—By which is meant (for it is no paradox) that persons of this temper enjoy (as they certainly do) more happiness (even upon earth), and suffer less uneasiness, than others who are of an opposite character:—they acquire more friends, and fewer enemies;—they meet with less injury, and bear what they cannot avoid, with advantage over the passionate.

But what is *revenge* in the path of *Christ*?—Shall we, upon human provocations, harbour a sullen, bitter, and vindictive passion, when HE (in whom there was *no blemish) endured* the *insult* of the *wicked*?

Can we hope for better mercy than HE could find, who was never a moment unoccupied in good and blessing?—Can *we* be offended with any man for obstructing *our* interest, or dissenting from *our* opinions, when HE (to whom the most implicit observance was a *debt*) encountered at every turn repulse, disappointment, and scorn?—Can *we* be jealous of credit, and furious when *our* imaginary honour is *touched* with censure, if HE (who alone could have reason to be jealous of honour, because he alone was perfect in his claim to it), aspersed by the bitterest obloquies that envy or malice could prompt, was "*dumb;*" and made no other appeal to the *judgment-seat*, which He was himself to fill?

Can *we* be exasperated by insult (real or sup-

posed), when the most courteous, the most noble-minded, and the most obliging person that ever appeared upon earth, was exposed by his own servants?—deserted by his friends—*despitefully entreated* by those whom he had never injured, or even by those on whom he had conferred benefits; —but without ONE hasty expression of his wounded spirit against them?

Self-denial is another object of inestimable value at an early age: as corporeal strength depends upon the power habitually to endure hardship, in like manner is the corner-stone of all virtue laid in the power to resist allurements of the selfish appetite, and follow the dictates of reason.

This cannot be *too* early an object of *parental* care: and the fault has generally been, that such an obedience to the discipline of reason has not been even attempted, when the pupil had more tenderness.

Parents, by humouring their *children*, corrupt their natures, and are then surprized, as well as hurt, at the bitterness of the waters, when they have polluted the fountain.

If *heroism*, and the character of *high spirit*, is in view, let the child be taught how superior is the mind of him who can bear adversity when it befals himself, but can pity and relieve it in others. If *policy* is the object, let us tell him, that our sympathies are more interested by *the patient*—that we hold a man in low esteem, who sinks under his calamities; and that contempt of pleasure is a discipline which prepares the heart for contempt of pain.

The habit of *self-denial* will prompt him with a variety of the happiest expedients to lessen every evil. "How much remains to me, beyond what I really want!" the *poor in spirit* can ever say: and the rich, but unhappy, "How much unhappier could I have been!"

Self-denial is the sure basis of content: which is natural wealth, as luxury is artificial want.

Here again, as at every turn of the argument, we have *Christ* before us: HE was *tempted*, when he was full of the *Holy Ghost*: from which, this inference may result—that in proportion to the light we receive, we must expect a more severe trial of patience and courage.

Remember (ye children!) that in this path of *self-denial*, your *Saviour* has prepared the way by his own feet; that *He* like you (nay, more than you), was *tempted*; and that *his* victory over pain has enabled *you* to conquer it.

Parents are *stewards*, and accountable to Him who entrusted them with children, for the good or ill use they have made of this talent. These natural shepherds of their *little flock* will answer at the day of account for the soul that comes out of their hands. *They*, for the sake of their children, should put a guard over themselves, and speak or do nothing which they could not wish their children to imitate; and *they* should bless the Father of Mercy, for declaring that HE is the Parent of universal man; for *they* know, and can tell us, what a parent feels, and they can best appreciate the value of that.

relation between us and "*Our Father which is in Heaven.*"—*They* can judge of the delight which a Celestial Parent condescends to feel, at our penitent return to Him, by *their* feelings when they find the "*sheep that was lost*"—when they *run upon the neck, and kiss their son.*

Let us, now, consider that endearing relation of *parent* and child, in its most inspiring and *celestial* view!—Do we love the *meek simplicity* of the Lamb that *redeemed* the world?—Let us resemble him with a lively image ever before us of his gentle, his affectionate spirit! Let us follow him, as *children* follow the *parent*, or the *nurse.*

Whomsoever a man *loves*, he *imitates;* attracted, as if to a local intercourse with him, he loves him with a corresponding agreement of heart, and with consenting harmony of demeanor.

Nor is the copy of this pattern a difficult one to write, after HIM, so as to know perfectly what is in our transcript: it is written fairly—the lines of it are strait, and there is no blot—the marks are simple and plain: CHILDREN may write after it—the homeliest and brightest capacities!—It was no dazzling, but a gentle and steady light:—no affected singularities—no supercilious rigour—no frivolous ostentation of high but unavailing efforts, that should either intimidate or discourage his followers—but patient love and simplicity—the features of the "*little child!*"—*His* duties (and he has made them our own) were easy and pleasant, though necessary and substantial:—*tempted*, as *we* are, *He* had *no*

sin:—the pelting storm, of accident without, or passion within, could never disquiet Him;—pleasure and profit could never seduce Him.

He washed the feet of his disciples, and gives the reason for it, that *we* should be courteous to *our* inferiors:—*He fasted*, and was *baptized*.—Why should *He* fast?—*He* had no sins to repent, or flesh to be subdued—no desires to be mortified, or zeal to be enlivened.—Why should HE be washed in baptism? What original stain had *He* that required ablution?—what sins that could want remission?—what innocence to reinstate?—It was to reform *us*, that he gave these "*lights* (of his example) before *men*."

Let *us*, therefore, approve ourselves HIS *children*!—let us be ever *meek*, *gentle*, *patient*, *full of mercy* and *fruits*—open as the day—at *peace* with *God*, with our neighbours, and with ourselves!—*Amen*!

SERMON IV.

ST. LUKE, chap. 6, part of verse 27.

"LOVE YOUR ENEMIES."

THERE is not one precept in Christian morality so peculiar to it, or so elevated and so beautiful in itself; yet, there is not one that has less weight: the best of men despair to reach its purity; and some are impressed with a conviction, that, if it could be attained, it would banish from the world that prudence which is necessary to the conduct of human affairs.

Another topick is often pressed into the service—it has been said, "that our nature is adverse to this love, and that affection cannot exist (without supernatural aid) unless it be reciprocal."

It is also intimated, that by loving enemies, if they are undeserving, we love the wicked as well as those who are guilty of injuries to us; and that, by loving them, we discourage the good as well as the affectionate. These are flimsy, and they are impious objections too: soften it as you will, the real difficulty is, that resentment and malice, though pleasures of a little mind, are too grateful to the injured: the rest is false colouring,

"To this complexion it must come at last!"

But what is the import of the context in which the passage appears? and how is it accompanied?

Let us view it with an aweful and religious temper! "with eyes that see," and "wish" it may be "light."

Nothing is more luminous than Scripture analogies, if the interior as well as the external eye will steadily persevere; two words alone are necessary, two little words, *read on!* The Saviour of the world had chosen his Twelve Apostles; and, in their presence, the first evidence of his inspired nature was this—he dispersed around him the potent efficacy and virtue even of his form, though in the vesture of human flesh. "As many as touched him, were healed."

He began, therefore, by an act of the most endearing benevolence to the vicious and the good—his enemy and his friend. He then blessed the poor, and assured them of a celestial recompence: by the poor, in holy writ, are meant the poor in spirit, who suffer patiently the unmerited insults of the world—"those who hunger" (he tells them) "shall be filled," and "the afflicted" (in this vale of tears) "are to weep no more." His next appeal is, to the rich and favourites of this world: by these are meant, the selfish and the vain—he takes off the mask of simulated virtues that look to human recompence alone—then it is that he makes an immediate apostrophe to that sublimest of all moralities, the admonition conveyed in the words of the text; and which is attached by an obvious reference to the topick that precedes it—"but I say unto you which hear, love your enemies," that is, invert the conduct of the

selfish and the vain! "Love your enemies," to convert them if you can—but, if their hatred of you should persevere, love them still, and without a shadow of interest! In loving your enemies, propitiate, if you can, the God of mercy to yourselves!

But let us *read on!* let us read and mark with grateful joy every letter of the words! "do good unto them which hate you!"—"to him that smiteth upon one check, offer also the other!" "If ye love them which do good unto you, what thanks have ye? for sinners do the same:"—but love your enemies, and ye shall be children of the highest! for *He* is kind to the "unthankful and the wicked."

His immediate and pointed object is, to recommend the pattern of his own life as an object of imitation to those who (like Him) should be persecuted in the world, but who should love their enemies, and should persevere in attempts to conciliate them by gentleness of spirit, for the sake of an eternal recompence.

But this "love" has, in its principle, an ulterior extent: it reaches not only the host in battle-array against us, but the deeper and more piercing wound of injuries that are the arrows of a single bow.

In a word, the love here intimated is, patience under injuries; a good-will to every oppressor; a wish to be reconciled; a beneficent as well as humane spirit, not only superior to injuries, but converting, or endeavouring to convert, the most obdurate enemies, and persevering in the *effort*, be the event as it may.

This (and this alone) forms the love that is due to enemies; it has been claimed by the Son of God from those who follow Him, and who, by thus loving their enemies, are made children of the Highest; that is, like the Son of God, who *so* loved *his* enemies.

From the Pagan Moralist this anticipated heaven, the infusion of this truly celestial mind and spirit, was (for unfathomable reasons) intercepted and withheld—it was no part of the Mosaic institution.

Solomon (whose moral precepts have nothing superior to them but the gospel of Christ) thinks it liberality of sentiment enough, to say, "Rejoice not when thy enemy is fallen!" and, though he approves the wisdom of "*heaping coals upon that enemy's head*," by feeding him in adversities, he confines the policy to human recompence alone.

How cold are *such* tidings of "*good-will to men*," compared with my text! which has made *love to enemies* not only a moral, but a self-indulging virtue, that carries the recompence in its bosom; or, if it is interested, looks to an immortal crown—or, with trembling hope, implores the compassion to us, that we have shown to *our* enemies.

Had Christ only come for this; — what a debt of love does the heart of man feel that it owes to Him, for such a revelation! "*Behold the Lamb of God!*" his life attested the rule;—his parting breath elevated the purity of it;—and his death has put a seal upon it, in contemplating which, adoration is lost:—we fall upon the earth, and are silent;—the

homage cannot be eloquent enough, unless we can find the interior voice that baffles every hope to express it in words.

We may well despair to attain the shadow of this purity, or "*touch the hem*" of it; and as far as diffidence in ourselves may impute such a despair, it imputes no crime:—but it is criminal, if it sleeps—it then becomes a guilty and prophane rejection of the terms, which cannot be appreciated without effort: we must approach to this fair pattern, and be as near to it as we can.

Should we only wish to convert a bitter enemy—should we forgive and pray for him—we should then do much good; and we should be happier ourselves upon that pillow, which feelings like those will ensure to us.

But even enemies, and bitter ones too, are men:—a feather of goodness (unsolicited and pure from interest) may disarm their malice, and convert them, not only into a new frame of spirit as far as relates to us, but into a regenerated character before God and man. We can begin with such benevolence:—we can proceed as far as the liberality of being just even to enemies; that progress will make the rest of this moral journey before us an object of delight; and there our interest will commence: another will succeed—that of prudence, in the distant hope to conciliate even men, but the assurance of mercy and blessing in a future state.

Upon this topick of prudence, a fallacy has resulted from the equivocal import of "*love*"—it is not required that we should prefer the enemy, and

much less that we should prefer him to a righteous friend: it is not required that we should make him our selected companion, or that we should be forward in exposing ourselves to accumulated mischief, by a romantic and superstitious contempt for the shield, as well as the sword.

"*The other cheek*," if literally understood, is an opposite extreme to "*the hand that strikes again*;" but it is in the Gospel a figurative illustration of a meek spirit and Christian temper.

These allusions only point at forbearance and compassion, at wishes and prayers for those who persecute us—at benevolent offices when the opportunity should arise;—in short, at philanthropy —which is the interest of others in its most expanded view, considered as our own.

That our *nature* is adverse to this morality, is a calumniating fiction—that it is congenial to it, we shall be told by the surest of all proofs, in that whisper to the heart which "*communes with it in our chamber*," when partiality is mute, when the passions are at rest, and pride superfluous.

If there is not in every human bosom an original taste for this purity (though vitiated by example, habit, or system,) experience can tell us nothing, and the voice of *nature* is a false interpreter. Let us not hear of such morality!

Is transport of any kind (as a mere point of taste and of disinterested enjoyment) equal to that which our feelings impart at the picture of a converted enemy in the Historian's page before us? or even at

the effort alone of that Christian heroism which endeavours to convert him, though it should be counteracted in this world by malice and scorn?

Go to the fireside of the cottager! and read there to *his* unadulterated heart the forgiveness of *Saul* by *David*. A tear which cannot lie will answer you! and will tell you that no acts of heroism are like these.

From the tear of that cottager, let us not blush to borrow our own; but let us profit by these drops, that it may not be luxury alone to shed them.

Saul had been relieved by *David's* harp, under the heaviest oppression of his mind and spirit, when the severest of all maladies afflicted him, that of a distempered intellect! He had been soothed into harmony and repose.

He had been rescued by the valour of this inspired youth from the enemy that menaced his kingdom and his life—but he was "*afraid of him*;" that is, he was jealous of a superior *mind*, as well as *fame*, in his own champion, but whom the burst of national applause had extolled above *him*. The obscurity of his birth, and the simplicity of his manners, were no shelter for him against the tyranny of a little mind, though seated upon Israel's throne.

First, he degraded him as a military officer. *David*, under that goading insult, piqued him the more; for "*he behaved wisely*," and *Saul* was "*more afraid* of *him*."

He tempted him, next, by the invidious offer to adopt him—peasant and shepherd as he was; he

offered him his daughter in marriage, to ensnare him by the peril of the condition, with a hope that he would be killed in the field.

A baser plan of murdering craft has never stained the annals of men: he was to fall by the hand of those enemies, whom he had recently overcome as the Champion of this very King! He escaped from the peril, and returned with new laurels upon his head.

The King was *afraid of him the more;* and the word "*afraid*" has a peculiar force; it marks the abject humility of a jealous mind;—he commanded his own son to murder him. At another period a fit of passion broke out upon him: he darted his javelin at the person of *David,* then playing to him on the harp, and he left it in the wall.

He dispatched messengers after him to his house: they were to watch him there, and "*kill him in the morning.*" A judicious fraud saved his life; the king was told, that he was in bed, and sick: "*bring him up to me in the bed, that I may slay him,*" was the coward's brutal answer in cold blood.

Was it in the *nature of man* to "*love,*" or not even to hate such an *enemy* as this? Let us *read on: Saul* went into a cave (unaccompanied by guards) to rest and sleep. *David's* men told him, "*the day was come;* and they even flattered his pride by assuring him, it was meant by God (in some prophetical words) that he should then kill him: but he "*went in privily and cut off a part of his robe, which he carried away.*"

Saul having left the cave, and alone — *David*, without a single guard (though his troop was there) followed him—cried aloud after him—fell before him—shewed him the part of his robe—ingenuously related the fact—and courted a reconcilement with him.

It is almost impossible to read what follows without emotion; but it is the morality of tears, *thus* to shed them. "It came to pass that when *David* had made an end, *Saul* answered, *Is it thy voice, my son David? and he lift up his voice, and wept;*" that is, he wept aloud; and he said unto *David*, "*Thou art more righteous than I; for thou hast rewarded me good for evil!—If a man find his enemy, will he let him go?*"

It was, therefore, unexampled forbearance in *David;* and *Saul* inferred that he was under the tutelary inspiration of God: for it was no *human* virtue —"*now I know*" said he, "*thou shalt be King.*"

Another accident in the sequel gave *Saul* unarmed and sleeping into *David's* power, whom his insatiable malice ever continued steadily to persecute. "*Let me but smite once, and I will not smite him again.*" said his companion. "*Destroy him not,*" was *David's* answer: *but he took away his cruse and spear.*

The generous enemy was recognized again by his persecutor; but what is *David's* pious remark? Let it be for ever in our minds! "*The Lord render to every man his righteousness! and so let my life be in the eyes of the Lord!*"

This elevation of mind, as far as it was *natural* to him, proves that our *nature* is not adverse to the love in my text; but, if it was not mere *nature* in *him*, what is it in *us*, who admire this one feature of his life beyond all the rest? *Nature* is not, therefore, in fault; and *love to enemies*, well understood, is *natural*.

Nor is *morality* a better field of argument against a conduct like this.—Does it encourage the enemy? No! it converts, or it may convert him. It is the contest that inflames him, and he may be reformed by a generous conduct.—Let us then forgive unto "*seventy times seven*;" let us cultivate unity in political, as in domestic life;—it is that "*precious ointment upon Aaron's beard, which ran down to his feet*;" it cheers the highest and the lowest, the public or sequestered, the Nation or the man.

Let us ever venerate—let us ever glory in that feature, which elevates *our* Gospel above all other systems of Religion upon earth, and makes *Christian love to an enemy*, like the affection of the Pagan Moralist in *his* treatment of his friend.

Let us acquire passive courage, a real and substantial virtue! It is violence by which other kingdoms may be won, but not the kingdom of Christ.

Let us gratefully feel, as well as know, that all the generous principles of the human spirit are at hand, enabling us to bear the insults either of folly or of guilt with a mind superior to resentment: let us fight, that we may achieve that noblest victory over evil itself, in *overcoming it with good*.

Oh! could we but love our enemies enough, or as Christ loved *his* enemies, this obstinate benevolence would soften every aversion. We should in the end have no enemies to forgive: to lessen the number of them, is in the power of us all.

But let us contemplate our Saviour's life! The example as well as precept is there; admire it we must (if it had no penalties denounced, or promise held forth): but will gratitude here be no auxiliary motive?

It was for *us* that he "*loved his enemies;*" for our *infirmities* that "*he was bruised; a man of sorrows, and acquainted with grief;*" *oppressed and silent*, "*as the lamb before the shearer is dumb.*"

It was for *our* iniquities that "he *was numbered with transgressors;*" it was *the chastisement of our peace*" that he "took upon himself;" it was to consecrate our duties of unlimited affection to the whole race of man, that he died, praying for those who had persecuted him, interceding for them, and extenuating their guilt.

What is the return which is claimed from us? "*Take my yoke upon you! and learn of me!* Is it a difficult science? or is that yoke an oppression by its weight? "*Meekness and lowliness of heart!*" with an assurance annexed, that we shall *find rest unto our souls.* God of mercy and of love! are these to be called by the name of *duties?* and shall "*Glory to Thee* in *the highest*" be "*on earth good-will to men?*" Is it for this we are to be thy Children? and, will patience under our sufferings from the injury of others, entitle us to the pardon of sins against Thee?

Let us gratefully accept and cherish these terms of hope! let us never execrate, never despair to convert, our bitterest enemy! let us overcome the oppressor by conquering ourselves. Let us be white in the pure blood of the Lamb; upon the altar of *his* atonement, who "*offered himself there without spot or blemish,*" for the love he bore to his enemies! Let us abjure the infernal spirit of hatred; "forgive that we may be forgiven, do good unto them which hate us — and be in charity with all the world!" Amen!

SERMON V.

DEUTERONOMY, chap. xix. verses 18, 19, and 20.

AND THE JUDGES SHALL MAKE DILIGENT INQUISITION, AND BEHOLD, IF THE WITNESS BE A FALSE WITNESS, AND HATH TESTIFIED FALSELY AGAINST HIS BROTHER;

THEN SHALL YE DO UNTO HIM AS HE HAD THOUGHT TO HAVE DONE UNTO HIS BROTHER. SO SHALT THOU PUT THE EVIL AWAY FROM AMONG YOU.

AND THOSE WHICH REMAIN SHALL HEAR AND FEAR, AND SHALL HENCEFORTH COMMIT NO MORE ANY SUCH EVIL AMONG YOU.

GOD, who is perfect in wisdom, judgment, and mercy, has put *false evidence* into the same list of crimes (which *He* has prohibited) with *blasphemy*, *theft*, and *murder*.

He knows the vicious propensities of those moral agents who are *his* creatures, and are accountable to *Him*. *He* knows the value of that social interest which *his* precepts are to guide, and which *his* laws are to controul.

What right has man to say, "I *will* respect *nine* of the Commandments; but I will hold *one* of the *ten* cheap, or cheaper than I hold the rest." One of the inspired Saints, in Holy Writ, has guarded us against this impious folly, and has told us, "that an offender against *one* Commandment is *guilty of all*;" by which expression is intimated a very wholesome check upon the arrogance of men, who weigh in *their* balance of Justice what *He*, who "is the same to-day, yesterday, and for ever," has made a rule of *their obedience*, and principle of *their* duty.

But though, where the rule *cannot* be fathomed by *us*, we are to "*wait the teacher Death*"—to obey and adore—yet, where the rule is incorporated with *our* opinions, feelings, and standard of reason, we are *then* bound, as good citizens and as good men, to recommend it by *human* topicks of argument, as well as *Divine*.

Such is the nature *of this* Commandment (against *false testimony*) that *he who runs may read*, and that *all* Religions *must* combine in adopting it.

I have said that we have no pretence to hold it cheaper than *blasphemy*, *theft*, and *murder*. Alas! it *may be*, and it often *has been*, combined with each of these crimes. In a Court of Justice it annexes *blasphemy*, of course, to the *lie*. If *malice*

points the *perjury* at a neighbour's *life*, and succeeds in taking it away, it is *murder*; and I should hope (though doubts are entertained upon this topick) that it is a *murder* punishable by Death. It has been repeatedly the implement of *theft*; for it has pilfered a neighbour's property, and the dearest of all property, that which has descended from a long train of ancestors.

The general danger of this crime admits of no description that is equal to its mischief in the social world. All that is precious in every human relation is at the mercy of an appeal to Heaven, leveled in a Court of Justice at fortune, liberty, character, and life. Many are the offences which in their nature are so dark and secret, that, in order to reach them, *our* Law is, perhaps, more loose than it should be in receiving unsupported, though *interested witnesses*, and witnesses who *cannot* be impressed with a due sense of that *oath* which they *nominally* take—I mean *Children*. How necessary, therefore, is it that where so much is at stake, we should be early and late zealous and habitual in impressing upon every infant's mind around us the *nature*, as well as the *consequences*, of a perjured oath in a Court of Justice!

I am sorry to add, though I love and respect the virtues of my countrymen, that I cannot but see their depravity, or their ignorance, upon this topick, in a degree that stamps an odium upon *them*, very marked, peculiar, and local. It is not more than a few years ago, that an opulent farmer of this

county was convicted of *perjury* against his neighbour's *life;* and there is a rumour, too prevalent, that, upon a recent occasion at Cardiffe, a similar crime has been committed, with more peril to the victim.

A few words to men of strong and plain sense will be sufficient (one should hope) to enforce the *morality* of *truth,* upon grounds of *self-interest.*

If there is no *truth,* we can have no *trade;* and may as well throw all our property at once into the sea.

If two men of equally good characters give irreconcileable accounts of the same fact, and are sworn; those to whom their tale is addressed are at a loss how to determine between them. The characters of both are at once put in risk, because put in doubt. If the characters are different, and if *character alone* is to determine *credit;* alas! how often is *that* criterion false! how often is character misconceived! the result of conspiracy on the one hand polluting it, or of an artful exterior on the other veiling the impostor.

If the *number* of the witnesses can turn the balance of credit, the longest purse will insure the best evidence.

But what are *Juries* to do with property, and with life in *their* hands, if an oath has no weight in *their* opinion of it, as binding the conscience of the witnesses? *Those* Juries will build their decision upon their *own* prejudices, their *own* passions, or (what is equally dangerous) their *own* imperfect knowledge of the fact *out of Court.*

Thus far upon general topicks of *human policy*, in averting this crime from every civilized order of man: but God be thanked for those wonderful *detections* which have produced (under an immediate eye of Providence) examples of signal terror in punishment, and have counteracted the deepest artifices of dexterity in mischief.

Against *perjury*, the arm unseen (but known and felt) has been as eminently uplifted as against *murder* itself. Have you never yet been told the history of *Susannah* and *the two* Elders! Oh, that it could be writ in letters of gold upon every board, and upon every bed! No history more inspiring to hope for the innocent; but no example more dreadful to guilt!

Susannah was young, beautiful, and married; "*a very fair woman, and one that feared the Lord.*" Her beauty inflamed the passions of two men, who were invested with an office that made them venerable. They were *Elders*, that is, *Magistrates*; but their judicial habits, and the sanctity of their exterior duties, could not elevate them above the vicious propensities of their nature. They solicited the chastity of this innocent victim, endeavouring to commit the very offence themselves, which, as Judges, they would have reprobated, and punished (with no less a penalty than a forfeiture of life.) They menaced her, and said, "*If thou wilt not, we shall bear false witness against thee, and swear that a young man was with thee.*" Susannah sighed, and said, "*I am straightened on every*

side; for, if I do this thing, it is death unto me: and if I do it not, I cannot escape your hands. It is better for me to fall into your hands, than to sin in the sight of the Lord." Thus opposed and baffled, they were stimulated by *revenge* to *perjured evidence*, here again corrupting the very Courts in which they sat. Their oath was positive—the motive unsuspected, and the evidence implicitly believed. *Susannah* was to die: "*the Assembly believed them, as those that were the Elders and Judges of the People, and so condemned her to death. Susannah, weeping, looked up toward Heaven, for her heart trusted in the Lord.*" That appeal was heard: An avenger came in the person of *Daniel* (a man inspired), who examined the two accusers *apart*, and by that expedient completely detected them. Death was their punishment; and, according to the Law of *Moses*, "*they did unto them in such sort as they intended maliciously to do to their neighbour.*"

It was but lately told us, in the public Newspaper, that a perjury was detected by the manner of describing dishes at a supper, the *perjured witnesses* being *examined apart*.

Upon *this very Circuit* (as I am informed) though not in *this County*, a man was detected and punished, who had confidently named, by guess-work, as the sign of the Inn, a sign which did not exist in that place; and by this detection his perjury was proved.

Such topicks of *policy*, and self-interest, in the shape of *terror*, must read a lesson of the deepest

value to those who *can* be wicked enough to be *dissuaded* only as being *deterred.*

But, gracious Heaven! *can* Religion be so degraded and so lost in the world, that I am to reason with my audience upon grounds of *interest* and *fear*, in deprecating a *perjured* oath against their neighbours!

What *is* a perjured oath? I tremble to add, that many Children, of *an age* to know (and feel) it, have not a *conception* what it *means.*

Listen to me attentively, I conjure you, when I tell you what it is.

It is a public and solemn appeal to the God who made us, who redeemed us, by whom we are preserved, and by whom we are to be judged hereafter in a Court where no difficulties of Law can puzzle the intellect, where no corruption or prejudice can find its way to the heart. It is an appeal to the God of Justice and of Truth. It pledges *Him* as the witness of the *lie;* and calls down curses upon the perjured head, by canceling all hope, if the oath is false; the expression being, "*so help you God;*" adopting which, and upon the faith of it, the witness kisses the book, and that book is the inspired word of God.

A perjured oath is therefore (as before intimated) *blasphemy;* and it breaks another Commandment, *by taking the name of God in vain;* though it is worse than merely taking it *in vain* (which *may* apply to the habit of swearing upon *trivial* occasions), for it is the act of taking that name as the shelter and the mask of a deceit and a lie.

The *consequences* of perjury in this world, and in our Law, are worse than death; for they render a man completely infamous; and, as depriving him of all *credit*, in effect banish him from every honest enjoyment of social intercourse; besides that, in order to make an example of the offender, more aweful still, he is exposed as a public spectacle of shame, or sent out of the kingdom in a condition of despicable imprisonment elsewhere. In the *next* world (unless the guilt is deeply repented here) it consigns him to everlasting perdition.

The punishment, in this double view, has been described in the Roman Law with forcible expression, "*The Divine punishment is eternal ruin, the human disgrace and scorn.*"

It is remarkable that God, besides making it one of the *Ten Commandments* (which He delivered in so aweful a manner), has reinforced the injunction with a marked jealousy of its claim to reverence. "*Thou shalt not* (he says at another period, through his Prophet Moses) *raise a false report*," nor "*put thine hand with the wicked as an unrighteous witness! keep thee far from a false matter, and the innocent slay thou not!* Ye shall *not deal falsely, nor lie one to another.* AND YE SHALL NOT SWEAR BY MY NAME FALSELY;" which is a direct prohibition of the PERJURED lie. In another passage are the solemn, the impressive, and the affecting words of my text; from which it is evident that, by the express will of the Divine Law-giver, a *perjured witness* (in general) had the punishment of death.

But, as if to bind upon *Christian* hearts an abhorrence of perjury, the Redeemer of us all, the mirrour of Innocence, and the model of Truth—Christ himself, bowed *his* neck under that iniquity, and was, in part, its victim.

It is a very curious fact, that, according to the Gospel of *Saint Luke*, our Saviour was accused by *false witnesses* of "*perverting the Nation*, and *prohibiting the payments that were due to Cæsar for tribute.*"

As an illustration of the falsehood here intimated, we know from *Saint Matthew*, that our Saviour's conduct was the reverse of that which these witnesses imputed. We have before us the passage to which this perjury *must* have referred, and which it perverted with such infernal depravity.

Saint Mark is more particular in *his* account of these *perjuries*. He tells us, that *many bore false witness* against Christ, but (according to *him*) "*their testimonies did not agree* together." He adds one false evidence against him, and in which also the witnesses confuted one another, but which demands our deepest attention—they deposed that Christ had said, "*I will destroy the Temple that is made with hands, and in three days I will build another made without hands.*" It happens that here too we have the fact which *they* perverted. Our Saviour, speaking to the Jews in part, but chiefly to his own disciples, in prophetic allusion to the resurrection of *his* body *in three days*, when the Jews asked him *what sign he should* give them, answered, not as

they quoted him (" *I will destroy this temple made with hands*")—but in very different words, " *Destroy this Temple!*" that is, " do *you* destroy it!" in other words, " destroy me!" and I will *rebuild it*: that is, will raise *this* temple of *mine* again *in three days*, to convince you that I am the Son of God.

Not satisfied, however, by the reflection that, by this gross and scandalous perversion of truth, his precious blood had been spilled, they insulted him with it upon his Cross, and said, " *Thou that destroyest the Temple, and buildest it in three days, come down, and save thyself!*"

It was thus our Saviour perished, that is, perished apparently to the world, until the figurative prediction of *this* " *Temple*," which *he* was to *rebuild in three days*, when it had been destroyed by *them* (*not* by *him*) was accomplished and made as clear as the Sun.

Repent, I conjure you, if any that hear me have borne *false witness* against your neighbour, " *unwhipt of Justice*," or have projected that sin; for there *is* a Judge who is of infinite power and wisdom, who can by no artifice be deceived, by no power be disarmed.

Alas! *one* vice generates another; and a familiar incentive to *perjury is revenge!* But hear what an inspired Apostle says upon that subject; and, if you act up to *his* precept, I shall fear no *perjuries*. " Recompense to no man *evil for evil! avenge not yourselves*, but give *place unto wrath! be not overcome of evil*, but overcome *evil with good!*"

I am aware that *interest*, as well as *revenge*, *may* tempt the witness to *perjure himself*, and *may* tempt others to *suborn* that perjury. But this would be, *to sell your birthright* (of an eternal inheritance) *for a mess of pottage*, for a miserable bribe, that will soon pass away, and *cannot* prosper in *your* hands: it will be to sell your Saviour and your God, your hopes of mercy, and of eternal happiness, for the *wages of iniquity*. Nothing but ignorance of an oath (I mean of its nature) *can* produce a barter in trade so unequal and so disproportioned. At least, I fear it *less* than I fear the other perjury, which is inflamed by *revenge*. This *other* perjury is the most baneful of the two in its *consequences*—because it breaks up all the barriers and securities of human life; and *murders*, *with a lie*, that has the name of God (that is, of *life-eternal*) for its cloak.

Tremble at the peril of this guilt! abhor the iniquity of it! spurn the cowardice! deprecate so impious an abuse of that Holy Name to which the oath appeals. Discourage it in others! be vigilant and jealous over the good faith of your neigbours! make it a cause of public honour to the country you inhabit—that you should, yourselves, assist in exposing it by all the discoveries which truth may put into your hands, without malice, and without prejudice against the offenders themselves. If *honour* is driven out of the world, *life* becomes a *lingering death*; it is the tenure of a mere savage at the best. Without *faith in God*, and *faith in man*, we have

no security. Without *Religion, perjury* is unbridled in its lust of mischief, and we are at the mercy of those who are themselves at the mercy of their *own passions,* or their *own interest.* Remember that a *lie* is the *basest* of all *cheats,* and that *a perjured lie* is the most unpardonable of all *impieties.*

May the God of Justice and of Truth (as well as Mercy and Forbearance) grant that we may never *hear* of that pernicious crime, that polluting infamy, and that envenomed curse, in these Countries again! Amen! Amen!

SERMON VI.

DEUT. ch. iv. part of the 7th and 8th verses.

"WHAT NATION IS THERE, SO GREAT, WHO HATH GOD SO NIGH UNTO THEM?—ONLY TAKE HEED TO THYSELF, AND KEEP THY SOUL!"

WHEN the military colours were offered here to the *jealous,* though *merciful God,* whose temple and sanctuary had called them forth, I impressed upon my audience the reconcilement of *public spirit* with *religious humility.*

The task was much easier *then.* It was in perfect unison with trembling hope. It was congenial to the modesty of inexperienced effort. It was the character and the ornament of that piety which had

armed, in self-defence, under consecrated banners, against "*the boast* of *the Tyrant*, that he can *do mischief*." It prompted the natural expedient, that, in a business of difficulty and moment, we should commend the *hands and the work* to *Him*, by whose pervading spirit *the hairs are numbered*, and the kingdoms of *this* world are *dashed in pieces like a potter's vessel*, or counted as the dust of the balance, or built upon a rock superior to the tempest around them.

But when the pulse beats high to national honour, in signal achievements of genius and courage—when this little Island is made, as it were, *the ark* and the resting-place of social morality, legitimate freedom, benevolence, and religion (their vital spirit), the lesson of humility is difficult. In the effusion of those pious thanks which the heart of the votary pours out upon the altar of his God and Saviour, too much is, at least, *insinuated* as due to *man*, the petty *instrument* of the work; too little offered (by *wisdom* and *fear*) to the Sacred Arm unseen, that led him to victory. Despising or pitying others who have not God so "*nigh* to *them*," we take *no heed*, alas! to *ourselves*; and the sober care of that precious deposit, the *soul*, is betrayed into negligence. Perhaps the fever of delight is *more* dangerous to the champions of God and Christ—who feel in the burst of *their* joy as if they had *caught* the *mantle* of an ætherial nature from the *King of kings*, and *Lord of lords*, in whose battle they had overcome.

Yet *this* (be assured, my fellow citizens, and beloved in Christ) is the time, of *all others*, at which, in Scripture-language, the "*soul is required of us*" the most—at which an account should be most carefully weighed and calculated of those playful spirits that bound with such alacrity, and seem to dance in the air. There is terror in blessings that are accepted with a superficial, though cheerful gratitude—or with a careless pride above reflecting upon the *height* and the *depth* of the mercy received—or with an impious diffidence in the continued stability of Divine protection—or with an opposite vice of presumptuous confidence, that, after *these* pledges of *Grace*, our "*calling* and *election* are *sure*."

You must not be deceived—you discomfit the Atheist or the Infidel in vain, if the *contrast* of *his* apostacy is *your* faith—if *his* crimes alone are to be *your* virtues—if, secured against *him*, you *expose yourselves* to *another* and subtle enemy, *the tempter of the soul*.

What are to be the ends of *signs* and prodigies like those which are now so fearfully displayed upon the earth "*with distress of nations and perplexity*," cannot be seen in *our* (dim and sullied) glass. They are hidden from us in that *smoke* which *ascended* upon the *mountain*, so that none could "*break through*," or "*touch the border of it*, and *live*." "It is *not* for *you*" (said our blessed Redeemer and Guide) "it is *not* for *you* to *know* the *times* and the *seasons*, which *the Father hath put* into his *own power*."

But *this* we know:—that " he ***who hath clean hands,*** and ***a pure heart; that hath not lift up his mind unto vanity,*** nor ***sworn to deceive his neighbour,*** shall ***ascend the hill of*** the Lord"—" that God will honour ***them*** who honour ***Him***—that is, who contemplate his works, meditate upon his word, implore his providence at every turn, obey his Law, cherish him to the heart with internal reverence, and ***worship*** in the ***beauty of holiness.***

We know, that ***He*** is the God who is " ***above all blessing*** and praise;" that, when singular trophies have crowned the perilous but honourable enterprize, or singular deliverances have redeemed us from snare and chains—or supported the faint in a desperate hour—it is the duty (and ***should*** be the ***joy***) of ***his*** creatures and servants to admire and celebrate ***the God of battles,*** and the ***mighty Lord,*** who " ***giveth us the Victory.***"

A Master of thanksgiving, and pattern of religious joy, inspired by his God, has told us (in effect) that we are ***not grateful*** to the Celestial Redeemer, unless with ***fear,*** unless we are ***wise,*** and ***consider his doings.*** " ***Oh, taste and see***" (are ***his*** affecting words) " ***that the Lord is good!***"—" ***Who am I,***" (said that favoured Prince) " ***who am I, and what is my people, that we should be able to offer so willingly? For all things come of thee, and of thine own we give to thee.***"

It is a general fault, that frequent and conspicuous favours of God, though admirable in themselves, are least admired. The rising of the Sun, the

descent of the shower, the recurrence of temperate seasons, the continuance of life, and the enjoyment of health, dispensations of comfort in external fortune, protection from danger, improvements of knowledge, happiness, and virtue, pass unregarded like the river's current. If that which may be called a judgement or a miraculous redemption awakens thought, we confess that God is the Saviour of Man. The singular aspect of the event excites the note of praise; or the aweful impulse commands it. But the impression fades in a little time, and is no more, in defiance of the God who said, "*Forget not what thine eyes have seen! learn to fear me! teach it thy children!*" He that *forgets* the benefit, is the *most* ungrateful. If to be duly sensible of immediate favour is *gratitude*, all men are grateful. The *Jews* were *grateful*, and pious too, when redeemed from the tyranny of their enemies, when streams burst upon them from the rock, and bread came in showers from Heaven. They covenanted (with *fear* as well as *joy*) *to defy the living God* no more. But a little time passed over them, and they *forgot the wonders he had* shown them, remembered not his visible hand *upon the day that he* delivered them, distrusted his word, repined at his dealings, and committed flagrant apostacy from his worship.

Of no such character was *David*. *He* mused on the work of an Almighty hand *upon his bed*, in *the watches of the night*. He perpetuated his thanks. In *him* they were unimpaired by the corroding

imbecilities of age, the death before its time, or the living burial of oblivion. He kept alive the image of that creating spirit which brought him into light, whose Guardian-angels reared his infancy, and led his undisciplined youth in all the hazards of a turbulent scene before him. In habitual prosperities he contemplated earlier days of adversity and peril, the want supplied, the mourner comforted, the infirmity re-inforced, and the captive redeemed. *New* benefits enlivened the *past*. In estimating the boon, *he* rates it as if measuring with his eye the *compass of the* world, and computing *sands upon the shore.*

But *religious thanks* point at *a compensation* too. We know, indeed, that our beneficence to God is unable to reach his throne; that He *does not require*, and *cannot accept*, any *addition* to his infinite store; that *He is not worshiped as though he needed any thing*; that shouts of adoring joy gratify not *Him*, for He is the *King* of *Glory*. But a *compensation may* be *accepted* and *claimed*, though *inadequate*. We can do this, we can be exemplary in virtue as well as in zeal for *Him*; we can forgive injuries, and compassionate infirmities; we can offer *sacrifice* and *benefits* to *Him* in every tear that we shed upon *the man of sorrows and acquainted with grief*; in the *deliverance of the captive*, in *visiting* the *fatherless*, and *pleading for the widow.*

Religious gratitude creates a livelier affection to the sons of men. If the heart is full of that bless-

ing, which it cannot *but* ascribe to the Fountain of Eternal bliss, it opens itself to the *neighbour and friend.* It binds men to *the cords of love,* and the sympathies of their nature. It prompts them to do good, and *communicate with grace of liberality.* It recommends immediate blessing to Him *that hath none* to help *him, and would perish* but for *us.* With oblations like these, it *comes before the altar, and God is well pleased.*

Religious gratitude presents the cheerful tribute of honour to those who *deserve,* and who *can receive* it—who have planned, by the wisdom of their counsels, or have executed with address and spirit, victorious enterprize—for *our* deliverance (in the name of Christ, and in *his* faith) accomplished by these *chosen vessels* of God's appointment; who (in the words of Holy Writ) *hath "provided able men for us that fear Him."*

Religious gratitude embalms the memory and the fame of those who have *died for us.* To the *fatherless* offspring of *those* parents, it ensures the assiduity of care and fostering help. It makes *the heart* of *their widows* (if condolence and relief *can* have that effect) *sing for joy.* To the *wounded* and the *disabled,* in that holy conflict by whose mutilated forms *we* are *made whole,* it opens the asylum of comfort, repose, and credit in the world.

You are assembled here, to thank and praise the *Lord of Hosts,* at the foot of his throne, for the most critical of all victories.

Upon *our* element (and which even *they* confess to be *ours alone*) *we have broken their Leviathan to pieces*—a revulsion! that has counteracted and stunned (if not crushed) at a distance, *in the land of Egypt*, the most able and the most enterprizing adventurer who has ever appeared upon earth—*in the land of Egypt!*—perhaps the destined theatre of *miracles again*. "*Close upon him* (as the inspired Prophet said) *Famine shall overtake him—He calls to Egypt—he goes to Assyria, but woe to him that goes to Egypt for help!*" By *us, the captives* "*are delivered* and rescued from the *mighty and the terrible;*" by *us*, who have been armed with a pebble and sling, in comparison of the Giant *who defied the armies of the living God.* "*We have*" *scattered the people* who *delight in war.*" "*They have not hearkened* unto *me* (said the Lord by his Prophet), *but have proclaimed liberty each to his neighbour.* Behold! *I proclaim liberty* for *them to the sword and the pestilence—death shall feed upon them*, and *the upright shall have dominion over them in the morning.* Their *wise men* are *turned backward*, and their knowledge *made foolish.*" Their policy and their craft are blasted, by Virtue and Courage, in those beautiful simplicities of character which are the indelible masks of a superior mind, and have long distinguished the Naval Champions of *Britain—wise unto that which is good—and simple concerning evil.*

But in the late Victory (without a shade of detraction from the wreath of those who *improved*

the advantage) wonderful has been the accident, of ultimately baffling the art by which the conflict had been so long eluded. At sea, or in port—and equally to escape, if they could, from that Power whose *God they feared (professing* to abjure and make war against Him)—they were entrapped in their own snare. Our fleet had missed them at sea and in port. It should seem (if the dispatches intercepted are not colourable) that it was intended *their* fleet should return. At sea they might have escaped, or at least in part. But their *destinies* were *unhinged,* and their *Goddess, Fortune,* slept; *or, peradventure, like Baal,* she was *afar off on a journey.* The *All-seeing Eyes,* which no space can avert or dissipate, *are upon the ways of man. There is no darkness* or *shadow of death, under which iniquity can be hid. Hell is naked before him—distinction hath no covering.* Occurrences like these, deflecting from the line of human conduct or event, *may,* and *should* be deemed the work of *Him* that moves the balance of the world in a moment, with his breath and will.

It is of God, if it is accomplished at the time, of all others, which presses for it the most—when a good cause labours and pants for breath—in other words (and those of Scripture) when it is *a very present help in trouble*—when bold and sweeping projects of dominion over the innocent and the just, arrive at the very edge of their aim, and are *suddenly* overwhelmed. It is no "*destiny,*" or "*fortune,*" more than it was in the *fate* of another

impious and cruel host—"*The depths covered them. They sank as lead in the mighty waters.*"

Nor is it the arm of *human* power that appears in the *effect*. It has made a rallying point and centre of union to the dispersed, the fugitives, and pilgrims of the Religious world. It has redeemed from the peril of the sword, and the tyranny of popular sway, a Constitution of Government the noblest that ever elevated civilized man. All the public frames of Empire, but ours, are convulsed, every fence of discipline thrown down, the fear of authority ridiculed, and the sober graces of life polluted, by intemperate levities or spirits of turbulent mischief; the kingdom of Christ (in its *deformed* as well as *imperfect* shadows here) streaming in blood. *We*, and *we alone*, have passed *through the waters*—we alone may be said (like the children of *Israel*) *to walk upon dry land in the midst of the sea. God, even our God*, has turned the heaviness of the night into joy, and has *girded us with gladness.*

What then is the duty of *thanks* for blessings like these, but a feast of the soul? "*Praise the Lord*" (said the most experienced in *such* thanks) "*Oh, praise the Lord! for he is good—sing praises unto his name, for it is pleasant!*" Other duties of Religion have something *laborious* in them; but here, it is the "*labour* (only) of *Love.*" *Prayer* is humiliating. It reminds those who *die* (in the words of St. *Paul*) *daily* of their numerous and complicated perils, afflictions, or infirmities. *Confession* is a keen as well as degrading memory of

guilt. But *Thanks* to the everlasting Father, Saviour, and Comforter, in earth or in Heaven, are the delightful impressions of his affectionate interest for us. What can be more sublime, than to mark, in songs of praise, that *He* who is the Master of Angels, and with whom *Nations* are as *drops in the bucket*, or *dust in the balance*, hath been gracious *to us*—that we are *able* to offer him *gifts*—to honour and *please* him by recompence to others, who are dear to him!—that we have capacities ample enough to thank him *wisely*—to serve *him in* fear, and *rejoice* in him with *reverence*—that (like Spirits and Ministers of *his* Glory) we go the way into *his gates*, and *that we enter his Courts with praise*—that we *depart* (as the Apostles did) *with fear and with great joy*.

Let us bless the tutelary God and Saviour, *who encampeth round* us, for *his* approved instruments of honour, the Naval Officers and the Seamen who have accomplished this great work. Let us admire and love the modest character of that *Christian Hero* and Champion, who dedicates all his labours, and all his triumphs, to the praise and glory of GOD, the Giver of all good things, and to whose name he piously ascribes praise, adoration, and glory!

SERMON VII.

PROVERBS, chap. 22nd, verse 28.

"REMOVE NOT THE ANCIENT LANDMARKS WHICH THY FATHERS HAVE SET."

THERE is not a more interesting or a more elevated subject of human contemplation, than *justice*, whether it is the sword that punishes guilt (and the mercy which tempers that punishment) or the balance in which the civil rights of men are weighed —or the whisper of conscience (inflexible magistrate!) *within* us, who "*tries the heart and the reins.*"

Eternal and immutable *truth* are unfading attributes of the God who made us after *his image;* and *justice* may be termed the *soul,* or the *living mirrour of truth.*

Thus we are told by the perfect model of both (united in every word of his lips and in every act of his life) "that he who *says* he loves God and hates his brother is a liar." *Injustice,* therefore, is *falsehood.*

Liberty is the right of doing whatever is not immoral or prohibited by a legitimate government; and of being *protected* (as well as controuled) by a definite rule of judgment.

Law is the rule by which in public moralities the conduct of all political agency is guided and measured.

The *Constitution* is that spirit of Law and Government which is extracted from their history and their principles.

But the *Constitution* of BRITISH Government has its *peculiar* advantages—the *Landmark* is ANCIENT, and so lost in its immediate original as to acquire all the venerable sanctions of *age*. But the genius and policy of its influence have been so habitually exerted, when the occasion called them out, that it has acquired no less the youthful character of recent impressions approving its utility.

By the local blessings of this envied Constitution, *we* are as insulated from the rest of the civilized earth, as by the sea that is the barrier of their defence. Other States are formed either of Aristocracies that are ambitious and corrupt—of Democracies that are vague and shifting, as well as turbulent and licentious—or of individual Despotism. *We* have the *salutary* power of these various checks over the moral agent in a civilized form, but without any of their *mischief*, because they are put into a *general* equilibrium for the *common* interest by the jealous vigilance of each over its neighbour and competitor.

Property is an essential part of civil or political *freedom*.

Judicial integrity is the bond that sustains it.

Here, too, *we* have singular benefits. The Judge upon oath to determine the Law—made independent by an office for life, or during his good behaviour, and above suspicion of leaning to the rich against the poor. The Jury upon oath to determine

the fact—men impartially chosen by lot from the neighbourhood and from our equals, a shield the noblest that ever the policy of man could have raised for the liberties, the good name, the lives and properties of the subject. We have also the sacred — the inalienable right of demanding to be liberated by a fair Trial from the safe custody of the Law at an early period; and upon our acquittal to be as free as air. One of the two anniversary periods for this claim is our present aweful solemnity.

Thus it is, in the words of Scripture, the law of liberty by which alone *we* are governed. The LANDMARKS of my text are these—a term of extensive import commencing at the literal and familiar sense of it, but reaching (by figure and metaphor) all the distinctions of political duty and right.

The King and Prophet, who gave me the words, annexes a character to *his* Landmark which heightens its value:

"Remove not THE ANCIENT Landmark which THY FATHERS have set!"

There is a kind of reverential and filial piety which is due to ANCESTORS; and we give *them* credit for more wisdom than *we* can attain by the collected and the best faculties or the most animated energies of the single period which is our own — partly because we ascribe to the departed spirits, of whom *we* are the living posterity, unequivocal blessings in the "lot of that fair inheritance" which is appointed for *us*: partly (and upon safer ground) because *they combine* the experience of *successive*

ages, which *their* accumulated and self-correcting wisdom has occupied.

Whatever, therefore, in a system like *this*, tends to *innovate*, that is, to obliterate or to shake *any* such "LANDMARK," is, at the best, a new theory upon a risk, and set up against a general—a permanent—a sure benefit—arising from the system as it is, with all those imperfections to which, as long as we are not Angels, but men, it must be exposed. The *wheat* and the *tares* of the Parable give us the most apposite illustration of the peril incurred by reform of a part that in itself, like the tares, almost imperiously requires it, if it is not very temperate, and very congenial to the rest.

It is true, and it should never be dissembled, that occasional and sound efforts of the public mind and spirit may *renovate*, by the infusion of new life, or by a correction of abuse, the decayed and wounded principles of Government. But all such expedients, whether of Reform, or, if necessary, a Revolution, are treacheries to political honour, and the death's blow of that Patriotism which they assert, unless they venerate the corner-stone—or in other words, the ANCIENT LANDMARK, and leave it as deep in the root as ever.

There is a kind of superstition, which too often misleads those who are in the very act of rejecting other superstitions—but fly into the opposite extreme, upon the vulgar idea of doing the best, if they go away the furthest in their new career from the vice or the abuse that has prevailed. This will eternally

happen, if the undisciplined multitude are confederates, and more still if they are principals, in the Reform. *They* would rush with arms in their hand, from the despotism of a King, to his murder—from the abuse, to the abolition of his Regal office—from the tyranny of Power, to a Government by the sword.

What has been settled by custom, even if it is not good in theory, is expedient, and things which have gone together for a series of ages are confederated *with* and *within* each other. But new things piece not so well; and it may happen that even their obvious utility, if taken apart, cannot improve the system, but their inconformity can weaken it.

It were good that men, if they must innovate, should copy the example of Time—that subtle innovator — but who alters quietly, and by degrees almost imperceptible. The innovator should above all things beware that it is not the desire of change that leads to the reform, but the ingenuous desire of reform that leads to the change.

Novelty should ever be suspected; or, as it is expressed by that sagacious Prince whose words are those of my text, we should make our STAND upon the ANCIENT WAY—THEN look about us to discover the RIGHT WAY.

If Legal Power should be abused, shall every man do what is good in his own eyes? If a Government is ill administered, shall we have no Government as an exchange and preference? If the King is an oppressor, shall every man be his own King?

The discretion of a Judge is a Tyrant's Law. The King who dispenses with a rule upon the equitable plea of state necessity, and claims to be the sole Judge of it himself, is a Tyrant:—but how complicated are these Tyrannies, when Popular Fury, with arms in its hand, is to be the Magistrate and the King! Who is to measure the discretion of the judgement —and mark at what point the necessity arises of exclaiming, "To your tents, oh Israel?"

Reason would say *no*—reason without the light of example. But Experience, fatally recent, has writ in characters, which he that runs may read, what a barrier against the worst of all Tyrannies—that of the many against inferior numbers, or of the many against one another—is to be found in the ANCIENT LANDMARKS *which* your FATHERS have set.

One of these, and without which all the rest is a feather, is the civilized and political shade of rank, fortune, or any other pre-eminence. Let *that* string be once untuned! and mark the resulting mischief! —*strength* becomes the lord and master of imbecility. The son with a ruffian's hand would strike the father dead—power would be right—injury would lose its name—justice would resolve itself into will. and will into appetite.

It was the infernal spirit of revolt that forfeited Paradise — a thirst after knowledge prohibited. It was pride, and a lust of inordinate power, by which the fallen Spirits lost their Heaven.

God was the King of *Israel*. *He that inhabiteth eternity* set their *Landmarks*, and the subjects of

his empire are blest, or curst in the most aweful manner, upon the single test of obedience, and rebellion. "If ye will not obey my commandments —if your soul abhors my judgments—I will appoint over you terror, consumptions, and the burning ague, said the Lord of Hosts." "Ye shall not add," said Moses, "to the word which I command you, nor diminish from it; for this is *your* wisdom, and *your* understanding in the sight of the Nations, who shall hear of these ordinances, and say, This *great Nation* is a wise people."

What is the *New Testament*, but a living pattern of humility and obedience in the type of perfect man? "Take my yoke upon you," said the Lord of the Universe, "and learn of *me*; for I am lowly of heart."

The disorder that springs from disobedience and revolt is admirably expressed by one of the inspired Prophets:

"Behold the Lord of Hosts doth take away from Jerusalem, and from Judah, her staff and stay—the judge, and prophet,—the wise, the ancient and the honourable man—the counsellor—the artificer, and the orator. The people shall be oppressed every one by another, and every one by his neighbour—the child shall behave himself proudly against the ancient."

Obedience is made, by the Redeemer of us all, the test of love to him. "Be not ye called Rabbi," said he; for one is your master, even Christ." "Be not many masters," are the pointed words of Saint *James*.

SERMON VIII.

GENESIS, chap. 45, part of the 24th verse.

"AND HE SAID UNTO THEM, SEE THAT YE FALL NOT OUT BY THE WAY."

JOSEPH's father had sent his *other* children to Egypt at an early period of the famine; Joseph their brother had made himself *known* to them—had *wept over them aloud*—and had said, in terms of the most affectionate endearment, "be not *angry with yourselves that ye sold me hither*: God *sent me before you*." They had found him *Lord of Egypt*; —he had promised they *should be near unto* HIM, *they and their children's children*," (if they would return to Canaan for their father, and bring him to Egypt) "*lest they and their household should come unto poverty*." They were to "MAKE HASTE;"— and the King had generously told them (upon their brother's account) that even "*the good of all the land was theirs*."

United by a common interest of such value, generously forgiven by that brother whom all of them (but one) had so injured—animated by their *filial* affections, and proud of an embassy thus honoured— COULD they *fall out?* could *they* differ upon the road that was to lead them from *poverty* (with all its depressions upon its head) into wealth, and power?

Yes—they *could*: and this admonition was not superfluous in *his* prophetic mind: it was inspired sagacity.

But how must the *reproof* (delicate and gentle as it was) have struck *them* to the heart!

Could *they* forget their hatred of this brother because their father had loved *him* the best? and their malice against him, in resentment of those *dreams*, which *he*, with ingenuous and youthful simplicity, had related? Those who are guilty of injuries are seldom generous enough to believe that *he* whom *they* have injured *can* be generous to *them*. Fear and shame had made them dumb, when their brother asked them "*if his father was yet alive*:" they "*could* not *answer* him"—they were "*troubled* at his *presence*;" nay, after Jacob's death, *again* they feared him, and said, "*now* peradventure he will *hate* us." —*Despair* is too often close upon the heel of that unmerciful accuser, Conscience.

Their brother's advancement was, after all, *miraculous*, and perhaps (in *their* view of it) a casual gleam of good fortune, which *another miracle* would supersede, in a revolution at the Court of Egypt, hostile and fatal to *them*.

Besides, the guilty part of them had recently attested *another* humiliating preference, in Joseph's marked favour to Benjamin, his youngest and his *innocent* brother. *That* favourite of his heart, was (even in the gifts and provisions for the journey) discriminated from the rest, with more *weight* of *silver* and *changes* of *raiment*.

The murder of Abel had polluted the earth with *envy*—that serpent who bites to death (in political as well as domestic fraternities). *Envy* and *strife* are inseparable companions *by the way:* but, alas! where is the pilgrim, whose *dark* and *slippery* path in the road of this world can be exempted from the insidious malice of these confederates against him!

One of Joseph's *eleven* brothers was "a *serpent by the way*, and *an adder in the path.*" *Two* of them were *cruel*, and in *their anger slew a man;*—a *fourth* was a *hind let loose*, who *giveth goodly words.* Here then at once are the vices of a *mean subtlety* in *mischief*—a *distempered* and *merciless revenge*—a *corrupt* and *selfish duplicity.* These too were portraits which their father drew upon his death-bed, and when it is evident that he was *inspired;* for *then* it was that he saw and prophetically delineated in one of his *own* descendants—the *Saviour of the world.*

All of them had *fainted*, and had "*looked at one another*" (a picture of imbecility and confusion!) till their father gave direction to their wandering thoughts, by the order that sent them to Egypt.

Perhaps their *ambition* might work upon them—and they might quarrel before-hand upon the anticipated arrangement of their several ranks in Pharaoh's court. Alas! the disciples even of *him*, who had *made himself man for them* (and for *us*) were guilty of this unbecoming *strife*, and *upon the road* in which *they* followed *him.*—"*Why was it that ye disputed by the way?*" said our Saviour, "*but they*

held their peace;" for they had *in the way* disputed "*which of them should be greatest.*"

So that *he* knew them well—he *read* their *secret* thoughts; and the human character was before him, when he said "*make haste!*" and, with a dignified (though tempered) authority, added, "*see that ye fall not out by the way.*"

Such prudent and sagacious admonitions were not thrown away upon a barren soil. From *these* men "*returning to Egypt*"—returning "*in haste,*" and *without strife* among *themselves*—adopted and flourishing in Egypt, issued myriads, who were blest, for centuries of the world, as the peculiar favourites of their *celestial guide;* and prepared the way for Christ himself, born in one of *their* tribes.

Oh, my beloved! let *us* too *make haste!* let *us return to Egypt*—and let us NOT *fall out by the way!* for *we* are brethren *too;* united by a common interest and sympathizing affections. We are creatures of the same God;—we are subjects of the same king;—we enjoy the same liberties;—and we are necessary to one another, at an evil hour, in the *service of love.*

Shall WE *fall out by the way?* No! let us rather be *reconciled by the way,* and *agree with our adversaries* (real and supposed). Let us forget (or generously overlook) the misunderstandings which took place between us, before we knew our interest, or discovered that "*self love* and *social* are the same," in the obvious policy of concert against adversities like these.

Let us not *fall out by the way*, though *some* of us have *more silver* and *raiment* than others! In visitations of this kind, there is a leveling stroke like that of death itself—and the vain distinctions of the world fall before it! Let envy be at rest! and pride forget its name!

But of all strifes in the road of our pilgrimage, none are so fatal as those which betray us into acts of outrage against our *leaders* and *commanders in the way*, on account of difficulty in obtaining provision for it. It was to the *wicked* alone, that we find in Scripture these words addressed: "*It shall come to pass, that when they shall be hungry, they shall curse their King and their God.*"

Insurrections against the Government upon this ground are in the first place *unjust* in the extreme, if no part of the distress can with any thing like the semblance of truth be laid at the door of those who govern.

They are *ungrateful*—as against those who are in the very act of exerting themselves, and with humane, as well as politic attentions for the common interest.

They are *unwise*—for may we not ask the disaffected, if bread will be cheaper when the Government is no more? if the danger of all that is dear to us—the danger of it in tumult and pillage—is worth encountering, for the visionary hope of better councils in this point alone?

Another "*strife by the way*" is that which irritates the hungry against those who are to feed them;—such are with us the *farmer*—the *baker*—and the *miller* who is between them.

But is it *manly*, or *generous*, to fall upon them without *proofs* of their *guilt*? *They* are unarmed against *us*;—they are the *necessary*, but the *living* instruments, by whom, in a fair line of trade, our produce of the earth is conveyed, from the seed, into the market, or into the shop. *They* are all of them sufferers *with us*, at an hour like this—not in the want of customers alone, but in that suspicion which is awakened against them at the first alarm of a deficient store.

Is it *wise*? (to reason upon *selfish* principles) will the *farmer* cultivate? and will the *baker* deal with him through the *miller*, if their lives are menaced, or they are branded with popular odium? In one of the famines that Scripture has painted, the "*withered corn*" precedes "*the ruin of the barn:*" —may not this be inverted? and *must not* the *corn* be *withered*, if there is *no barn* to receive it? for why should *he* cultivate, who cannot secure his produce?

But something *more* is due to *these* classes of men than a *cold* abstinence from *insult* and *rapine:* a generous (not an *implicit)* confidence—a good understanding between *us* and *them*—deserves to be assiduously cultivated.

The farmer in particular cannot be enough supported and cherished:—*he* (under Heaven) is the first cause of our bread, which originates in *his* cultivation of the material that produces it; for, in the language of Scripture, "*out of the earth cometh bread.*"

Another mischief has too often sprung from that which has no reference to these illiberal suspicions, but is called in the history of Joseph, and in other parts of Scripture, "*fainting*:" a sort of coldness in the point of exertion, arising either from apathy of sentiment—from despair—superstition—idleness—fear—or a tame and servile confidence in that very Government which has been so defamed by others.

God assured the Israelites, that, if they *should walk* (as he expresses it) *against him*—to punish them, he would send a *faintness* into their *hearts*. "I had *fainted* unless I had *believed*," are the words of *David*: so that faith in the God of mercy (as well as judgment) is one of the most powerful cordials "in the *day* of *trouble* and of *treading down*," when adversity impairs the energies of the mind; but most of all in adversities like these. Who can take this "*cup of trembling*" (as it is called in Scripture) from our hands, but *he alone* that placed it there?

We must, however, *act*, as well as *hope* "*in the way*," before we can repel this *penury* and *famine of the mind*. "He that *ploughs*, let him plough in *hope*."

The *act* and *principle* must co-operate:—we must not "*love sleep*, and *come to poverty*"—but we "*must open our eyes*," and we shall "*have bread*;"—"*not slothful in business*"—"*fervent in spirit*"—words (and principles conveyed in them) that should be written for ever upon the tablets of the heart, in letters of gold, at a moment like this.

But here too we *must not fall out* :—in the field as *in the way, contest* is a death's blow to *enterprize*: *agreement* is the life and the soul of it.

In the mean time we must examine our meal, deficient as it is; and provide as well as we can for its continuance: for, alas! we have no *ploughers* here that *overtake the reaper*, and we *must eat* before the harvest comes.

To reduce *our own* consumption of the failing produce, becomes a duty, in the *first* place, imperative and sacred;—a *third* has been calculated as the just rate of the difference we should spare.

We should next *recommend* this œconomy amongst our neighbours—the poor as well as the rich.

Here again let us deprecate all strife: let the rich draw the poor after them by the chords and bands of love. "*I drew them*," said the Leader of Israel, "with *chords of men*—with *bands of love*;" and thus "*I laid meat before them*."

But, in order to *diffuse the reform*, we should bind ourselves together in a solemn covenant; we shall then be guarantees for one another, and for ourselves *to* ourselves: the point and spirit of *honour* will be more binding upon us, than could any, the most imperious edict or the most ingenious Law that we could frame against ourselves, unassisted by this prompter and spur to good faith.

"For *want* and *famine* they were SOLITARY," are the words of Job. Let us remove that heaviest part of the affliction!—let us *meet*!—"*The ends of the earth*" (we are told, upon events like these)

"DREW NIGH and CAME;"—let *us draw nigh* to one another, in every district, and appropriate every interest around us!

A covenant like this will have the effect of an oath;—even of that solemn and striking appeal to Heaven, described in Holy Writ, when he that promised "*shook his lap*," and said, "*thus may God shake out every man from his house and from his labour, that performeth not this promise!*"

All of us know too well, how prone we are to this question—what have *others* done?—why must *we* come forward? why not look before us, and wait? But suppose that we do *not* wait, and that we ourselves practise the reform enjoined! can this be an example to others half so animating, as the circulated knowledge and the ocular inspection of a solemn and general compact?

This covenant will be of another use:—it will mark to the baker with whom *we* contract, that he must act *his* part in the reform; and that we are customers to him upon these terms *alone*.

It will also make the expedient of *buying to sell* no longer necessary as a means of help to the poor; and it will take off the only *colour* to a suspicion of monopolizing avarice, which these difficulties *have* in some degree warranted.

Joseph, in the seven years of plenty, reserved corn—and he sold it when the famine came: he left enough, at the time of his annual purchase, to cover and supply the consumption of that year; and he made the rest a national blessing, when the difficulty

of obtaining *more* produce first arose; these were politic and benevolent measures.

But there is another kind of purchase, which the active and liberal spirit of the rich has instituted, since *our* difficulties arose; they have purchased at a *dear* price, and sold at a *cheaper*.

This charity (for such it is, if it is properly understood and regulated) is not quite so guarded against abuse, and abuse of the worst kind—as one could wish.

Those who are *agents of this charity* have sometimes obtruded their own ungracious traffick into the name and credit of the benevolent purchaser; they have, under the mask of *his* monopoly, concealed their own; and, still underselling the future market, which they have enhanced by engrossing the earlier produce, have converted that speculation, though with a semblance of charity, into their own selfish profit.

This—which is fraud—is cruelty of the worst kind, on account of the time selected for it: *the land cries* against that monopolist, "*and the furrows thereof complain against him.*" It is from the hungry that *he takes the sheaf;* and the Law will avenge *their* claim, if it can reach him. But these covenants will take from his ungenerous hand the colour of its monopoly, in disengaging from it the humane and benevolent.

Being "*knit thus together*, we *cannot fall out by the way:*"—the rich and poor become incorporated; —the rich of course taking the lead in œconomy; —the farmer, in spirit of cultivation.

It is indeed the virtue of necessity (and a beneficent virtue it is) that we are no longer *able* to eat the *bread of idleness*, when labour alone can feed us, nor *spend our money in exchange for that which is not bread*;—that we *must* eat by *weight*, and with *care*; and that we must *not complain* that it is not *fine wheat*, since there is a real difficulty of obtaining *wheat at all*.

Œconomy, though it should not only take place, but should even be more signal amongst the rich at this time, cannot be enough encouraged amongst the poor;—what *is* it, in truth, but the common sense of *enjoyment* as well as *expenditure*?

The people of Egypt parted with *money to buy corn*; they parted with *cattle* when their money was at an end. All traffick is *in principle* the same: it is a partial sacrifice, in exchange for acquisitions of superior value.

They indeed, at the extreme point of *their* sufferings, abandoned even the soil, and their freedom itself, to obtain upon *those* terms food and life.—*That* offer by *them* is no lesson to *us*, for any thing like a similar extreme—but of self-denial, *in its principle*, it *is* a lesson.

Nor is that all. Amongst the rich, partial œconomy will by degrees infuse itself into the general habit;—on the other hand, it is a false and confined view of extravagance, but especially in *apparent luxuries*, to suppose it innocent beyond ourselves; it reaches the next order in the descending scale, and pollutes ultimately the whole system of domestic life.

These injunctions, however, if they are salutary in themselves, are lost and vanish into air, unless we *go hand in hand* upon *the road;* animated by mutual examples—averse to any contest but that of self-denial, and looking up to the *invisible guide,* who will make *his* mountains and his wildernesses *the way for us,* and lead us *through a pillar of smoke* in the way that *he* has *consecrated* for our feet:—"*no lion shall walk upon it,* the *unclean shall not pass over it.*"

Let us, now that we know what hunger is, and feel it more severe at home, determine to be as charitable as we may, if plenty should hereafter be diffused, and smiling as heretofore.

Let us remember that, by feeding the hungry, we entitle ourselves to that sublime recompence, which our Saviour promises to them who are charitable *upon earth:* "*I* was hungry," he will say from the judgment-seat, and "ye fed *me.*"—Let us remember *who became* poor, to make us rich—bore *our* griefs, and carried *our* sorrows.

Let us hope in that Parent of life and blessing who can alone feed us, and satisfy our souls; who can *rain* our food (as he *has* done) from Heaven! But let us not *faint!*—let us even bless the force of appetite, that can make bitter food sweet;—let us prove that we know how to fast, as well as to be full.—"*Woe to the shepherds who feed themselves!*"—Let us eat not our own allowance, but imitate him who forbore to eat the *Governor's bread,* (though due *to him)* because the famine was heavy

upon others.—Let the rich abstain, till the first-born of the poor are fed; or those who feed so delicately will themselves be desolate, and fed with tears!

Let us adore and bless the giver of all Good—and of *good alone*—for these occasional and comparative adversities. They are *tamers* of the *human breast;* they afflict the generous, and they terrify the selfish; they reform the enervating habit of self-indulgence—they open the fastidious ear to discipline,

"Exposing *us* to feel
What *wretches* feel;"

that we may know them better, and love them as ourselves; for we are told from Heaven itself, that we are truly neighbours to *them.*

Let *our* avarice be that of unfading wealth, in the affections of the poor—of him that was ready to perish, and of the widow's heart that sings for joy. "When the ear heard me," says Job, "then it blessed me;" and "when the eye saw me, it bore *witness of me.*" What riches of territory, what ingots of gold, what profusion of any exterior wealth, can be comparable to this?

If *parsimony* was called by the Heathen Œconomist, "*a good estate,*" because it left the superflux to the demand of times like these upon *him;* what an advantage-ground has *Christian benevolence,* in that elevated œconomy which appropriates the remainder (after necessary and frugal consumption at home), not as the Heathen prompted, for *ourselves,* but for *others,* whom penury and famine may visit around us!

Let us *here* at least be *one* family—*one* house, and *one* board: *the barrel of meal* (cautiously tasted by ourselves, that it may be shared with *him* who has none of his *own)* will never be wasted in our hands.

Let us be careful to discountenance, or (if it should be necessary) to disarm by legal interference, all sedition, or even loose words against the King and the Government:—let us not imitate the Israelite in the wilderness, who, just after a signal deliverance, murmured against Moses, and said, "*you* have brought us here to kill us with hunger."

Let us, in observing the sound and wholesome distinctions of order, obliterate whatever is *harsh* in them, by comfort and protection—by an affectionate and liberal treatment of inferiors! Let the poor, on their part, be humble to the rich—but never abject or corrupt instruments of their caprice! —accepting no man's person, who offers to insult or to deprave them, and giving no titles of base flattery to the vain!

Let us venerate the Constitution of this our Government and Religion, both of them generous preservatives and guards of honest and virtuous independence!—Let us be just in every moral—in every social—in every Regal and religious department!

Let us pray, that "no enemy sow *tares in our wheat;*" that God will preserve us from the mischief deprecated by Joseph, that of *envy* and *strife, in the road of this world*—and that, in the *next*, he will give us of *that bread*, which whoever shall taste, will feed upon it *for ever!*

SERMON IX.

FOR GOOD FRIDAY.

1st Epistle to CORINTHIANS, chap. i. verse 18.

"THE PREACHING OF THE CROSS IS, TO THEM THAT PERISH—FOOLISHNESS; BUT UNTO US WHICH ARE SAVED, IT IS THE POWER OF GOD."

"HE SAVED OTHERS—HIMSELF *he* CANNOT *save: let him come down from his Cross, and we shall believe him*"—said the infidel Jew, and foolish Greek.

"What!—a *divine* person to reject his own *divinity*—assume the vesture of *human decay*—and court the anguish of Death!"

"If, indeed, the Son of God had come from Heaven in a chariot, blazing with fire, and with a legion of Angels, to *destroy* his *enemies*, and put his *followers* into possession of *glory, power, wealth*, and *pleasure—all Nations* would have been *proselytes*:—nothing seen or heard but *chearful submission, grateful homage, enraptured adoration, everlasting love!*"

Such is the wisdom of *Man*; and thus would HE have *saved the world!*

But *could not* Jesus come from God, though neither imparting *these* benefits, nor exempting us from *pain* and *sorrow*?

Man was created *happy*, and became *wicked*. *Paradise* was no place for his *amendment*.

This world is a scene of *trial*—not of *pleasure*. We have a sufficient, but a *moderate* supply of *necessities*; with a *rich* and *plentiful* harvest for the exercise of *goodness* and *virtue*.

Look for happiness in the *world!* and you look for what never has been found!—It is no plant of *any* soil under Heaven.

Infirmities and *afflictions—pain of body*, and the *keen shaft* of the *self-piercing mind*, *cares* and *fears*, *disappointments* (in *pursuit* and *possession*), *clamorous passions*, *eager appetites* (impatient of denial, but inflamed by indulgence), pursue the fugitive *man*, through all his little interval, from his cradle to his tomb.

Such *he is*, and such is the *world*, by eternal councils of *unerring* Wisdom.

This *very* High-priest (then), BECAME US: touched with a feeling of *our* infirmities, and in all points "*tempted* like as *we* are, but *without sin*."

The cup that *we* must ever taste, was offered even to the *Son of God*: and he was *made perfect through sufferings*.

But in *Him*, the sufferings that He underwent *redeemed us*, and obtained mercy for us: "*without shedding of blood there is no remission*."

Sin is *hateful* to God; and it was fit that he should mark his *indignation* against it.

The Death of Christ was therefore necessary, to make the pardon of Sin reconcileable with God's wisdom, in the government of the world. He died for our sins that are past; He was punished for

them, and became our advocate, interceding for us; that, by a *new covenant*, our penitence and future obedience might be accepted through *his* merit.

Expiatory sacrifices were in use from the earliest ages of the world; and were even required of the Jews by God himself.

Christ assumed a body that was prepared for Him, and He offered himself to God—*a Lamb without spot*. *He* had no sins of his *own* to expiate; but, regardless of pleasure, ease, and life, He made a full, perfect, and sufficient oblation for the sins of *the whole world*.

The *mystery* of Redemption is "*too excellent a knowledge for us*—we CANNOT attain unto *it*:"—but is it the *only* council of the Omniscient God that eludes *our* grasp?

For example, does not life breathe in *other* creatures besides man? were they *meant* for *happiness*? are they *always* happy? *can* they have deserved *misery*? If they were *made* for *man*, why must they DIE to sustain him? What can *we* say to this? can we *dare* to *censure* it? are we *able* to *explain* it?

Look at your children! (ruined perhaps by *your* vices)—and then ask if it be *impossible* that any should suffer, but for sins of *his own*?

The Doctrine, that *God is in Christ, reconciling the world unto Himself*—opens to the *ingenuous heart* important reflexions.

Redemption, by the *sufferings of Christ*, is (on the *one* hand) a powerful evidence of Divine mercy;

but (on the other hand) a powerful discouragement of sin; as it is the sublimest of all inducements to repentance, in the deepest obligation that could ever have interested *human* gratitude.

It was for *this* end that Christ breathed his last: it was to shew us the unbounded extent of God's mercy to his creatures, and the alarming peril of impenitence; it was to infuse into fallen man the *love* and the *fear* of Him that made him.

"*God is Love*"—but obstinacy can disappoint the efforts of Omnipotence to *save us*. "*What shall I do? I will send my* BELOVED SON." After *this knowledge of truth*, Sin *admits* of no *other sacrifice*.

Behold therefore (as the eloquent Apostle forcibly expresses it), "*behold the* GOODNESS *and* SEVERITY *of God*." See what he has prepared for your Sin! The ransom is here, and *his* vengeance is the *other* alternative! You are to chuse for yourselves.

That *God the Father* should have designed for us a *redemption like this!* not sparing the Son of his love, dear as himself! and for us, who deserved *nothing* of *Him!* who were *no friends* to *Him*, but enemies; to be reconciled by the death of the *just*, in exchange for that of the *impious!* By what boundless reach of computation shall we *ever* set a *value* upon *such* a debt? what faculties of the mind will enable us even to *bear* and *sustain* the amount? what heart can *hold* the affection it *feels*?

That a *Son of God* in *Heaven* should lay down his life upon *earth*, and suffer death as a man! shed

his *pure* blood, be aspersed with *criminal* imputations; and, cloathed with shame, to give us Paradise again, though *we* that were *his own*, *received Him not!* Oh! *Gratitude*, where are thy expressions? where is thy depth, and where thy limits?

On the other hand, shall we ever be diffident of mercy? or despair of it after *this*? does not *the* experiment thus made animate our hope, though clouds and the shadows of death fall around us? What can *Justice* exact from *us*, or what is *left* but Penitence and Faith?

WHO *is He that condemneth? Whatever* may be the wounds of our conscience, is not that precious Atonement (if tempered with sincere and fervent remorse) of sufficient efficacy to heal them?

To be *disconsolate* under the oppression even of *guilt*, is to depreciate the virtue of this *balance to Sin.*

But, in *other* views, can we be *too humble* in reflecting upon this event? How *low* must have been *our* fall, that *we* could not *rise again* but in this depression of *God's only Son!* What must have been *our* inability of obtaining refuge against the tempest, that called for such a miracle of love and power to save us! *What* must have been *that* iniquity that could not *else*, or by *other* atonements, be expiated!

Is it not *madness* (after this) to be conceited of any worth in *ourselves?* to confide in works of our own, or glory in *our* brightest attainments? What honour shall *we* arrogate, when, to bear our infamy,

the Lord of Glory became a servant, was exposed every day to contumelies, and suffered (as the vilest criminal) a death of *shame*, as well as *agony!*

But, though we should be *humble* in such views of his cross and passion, we should never be *abject*. It is PROVED that our soul is of importance in the judgement of God: we should not, therefore, slight ourselves, or think what *he* purchased (and *so* purchased) a thing too *despicable* to be SAVED!

We should hate the *enemies* who tormented *such* purity and virtue; the *wretch* who *betrayed* him; his *wicked accusers*; the *rabble* that *insulted* him; the *hands* that *smote* him; the *hearts* that were *bitter against* him—but, alas! *they are all of them* NEARER HOME *than we imagine!*

"*He was delivered for* OUR *offences*," and these men were only the *instruments*; WE betrayed him.

"*He was made Sin for* US;" WE accused him, and the malevolent priest was OUR advocate.

WE condemned him: Pilate gave the *reluctant* word, but the sentence was in OUR hearts.

WE inflicted the punishment upon him; and the Roman executioners represented US.

WE derided him: the silly populace were the *actors*, but the parts were *ours*.

We exclaimed "*Crucify him, crucify him!*" pierced his flesh, and rent his body: against whom should be our hatred? against ourselves.

But let us, to *hatred* of sins like these, be sure to add a *religious* (not a *superstitious*) *fear* of the *impartial* judgment *that is to come!* "How shall

we escape, neglecting such a Saviour as *this!*" defeating *his* charity, and thus *treading under foot* the *Son of God!*

That WE should "*bear* OUR *Cross,* and *follow* HIM," is the condition of safety. We must *learn obedience* from what *he* suffered; and (remembering that *he who redeemed us by his blood* was accounted "worthy to receive *power* and *riches, wisdom* and *strength, honour* and *blessing)* let *us* exult in *our* sufferings, if they are *our Cross,* and follow Him!

Lord! may *we* accept this tender of thy mercies to man! Enable us (we conjure thee) to embrace whatever sufferings thou shalt assign to our lot in *this* world, that we may partake of Christ in the next! Oh! trace for us in this vale of tears (which is to last but for a day) *his* blessed feet! Animate us to pursue them, *without impatience,* yet *pressing forward:* not complaining of labour, though desirous of rest! Fix our eye upon immortality, that we may suffer in *hope,* and rejoice with *trembling! Remind* us, that, if Christ had suffered *less,* the perfection of his covenant would have been *impaired! Remind* us of his bitter agonies, and calumniated honour, which laid upon *him* the iniquity of us all! Oh! let us not crucify him again, or expose him to shame, by renewing (in *our* guilt) his pain and sorrow! Let us not prize this blood of the Covenant as a *common thing!* but rather animate our joy in contemplating—not a resolute Sufferer alone, but a Hero and Conqueror over Death itself; gasping upon *his* cross, her sting pulled out, and all her terrors quelled!

Let us *there* see (and let us transfer the moral to our lives!) the vain pomps and the counterfeit beauties of the world—all its fondly-admired excellences, and all its bewitching pleasure—disparaged, and put for ever to shame!

Teach us, oh God of Mercy and Love! to bear with petty neglects, and forgive the little injuries of man—when it was for *us*, that Christ *bore his Cross!* Inspire us with a contempt for *human* repute, wealth, or delight!—with a patient spirit under every human yoke! Give us new confidence at the foot of thy eternal Throne, in prayer (through the Lamb in thy bosom) to Thee!

If, as enemies, thou didst reconcile us in the *Death* of thy Son—oh! save us *(having* so reconciled us) by his *Life!*—To that faithful and merciful High-priest give us constant access! Withhold Him not from the sons of men, whose *brother* he became at thy bidding! Give us courage to enter thy temple, by the *new* and *living* way that *He* has consecrated! Make us in our sufferings *acceptable* to Thee! May we never be wicked enough to neglect this *last* and *great* salvation! Give us *time* for penitence; and *resolution* (by a new life) to escape and "flee, upon the wings of the morning, from the *wrath to come*"—before our feet stumble in the dark, and the cheering lamp of our hope in *thee* be for ever hid from our eyes! Amen!

SERMON X.

FOR EASTER SUNDAY.

Acts, chapter ii. verse 31.

"HIS SOUL WAS NOT LEFT IN HELL; NEITHER HIS FLESH DID SEE CORRUPTION."

That *Jesus died*, we have the testimony of all the world. No death was ever more solemn:—the Adversary and Friend are agreed upon the fact.

That He was raised from death to Life, is *another fact*, which *Christians* believe and assert. The *bold Infidel* who denies it, or the wavering Believer who *doubts* of it, must either say, "the testimony is imperfect;" or "the witnesses deserve no credit;" or (as they often *do* say) "that it *could not be*."

Of THE FACT, we have PROOFS, *too extensive* to be *compressed* into the *limits* of a Discourse like *this*. I shall rather *touch* them (or *some* of them) than *press* them; you will SEE, and FEEL their effect. *Statement here*, is *reasoning*.

The witnesses are *numerous*:—"*He was seen of Cephas: then of the Twelve:* AFTER, *he was seen of five hundred Brethren at once; of whom the greatest part remain unto this present.*" These are the words of *St. Paul*.

They were *no strangers* to Jesus; but were *those* "*who had been with him from the beginning; who went* IN *and* OUT *with him, from the time of his baptism, to his visible Ascension.*"

They averred, that all of them "*had seen him, and heard him:*"—"*had eat and drank with him after he rose from the dead:*"—"*that he shewed himself alive to them by infallible proofs, being seen of them forty days.*"

Two of these witnesses are extant (St. Matthew and St. John) in *written* accounts of the conversation that passed at these interviews.

They were *incredulous* witnesses. Those who *first heard* of it gave "*no credence*" to it; but thought it "*an idle tale.*" Those who SAW it would hardly *believe their own eyes*, till he *touched* them, and shewed them the marks of the nails upon his hands and upon his feet. They were "*terrified, and* YET *believed not, for joy:*"—but, when *thoroughly* convinced, they were *firm*, and "*with great power gave the Apostles* witness of it."

They were Champions of *Sincerity*, and Preachers of *Truth*, to the end of their lives.

They were *just* men—*blameless* and *virtuous*.

They were men who had *greatness of mind* enough to look down upon *things temporal*—who disdained either to converse or to interest themselves *here*; and brought into captivity all the enmities that *wit*, or *pride*, or the depth of human *policy*, or *learning*, or eloquence, could set in battle-array against them. By their simple testimony they put to silence not only the ignorance of the foolish, but the objections of the wise.

Interest they COULD have *none*: for it was AGAINST their interest in *theory* and in *fact*.

Perhaps we may be told, "*that Ambition was* THEIR *interest;—yes,* it *was,* they are *so far* detected. They were, INDEED, *ambitious*—but of honours *un-envied,* of *suffering* in the cause of *truth,* of *bearing insult* and *contempt* for the sake of a crucified Redeemer, and of a Resurrection from the Dead.

Was it PLEASURE that was their *interest?* It was *pleasure,* then, as little *desired,* as their *honours* would have been *envied:* for (except a good conscience, and the hopes of a better life) *pleasure* they had *none*—if it was *no* pleasure to be *whipped* and *beaten, imprisoned,* or even *tortured* and *killed.*

They bore what they suffered with the spirit of Heroes and Martyrs.

They were *sustained* by confidence in *this truth:* "If Christ be *not* risen from the dead, *then* was *their preaching vain.*"

Their *love* to their Master, in this warfare, *proved* "that he was *all* they said of him, and could not *but* have risen from the dead."

They were unlikely to *devise this plot* as a *fiction*—of *no repute* for *birth, wealth,* or *interest* of *any kind*—of no *education* or *intellectual endowments*—fishermen, publicans, and mechanics, *illiterate* and *simple* men.

They were *naturally* of no *courage,* but the reverse—*timid* and *irresolute.*

It was a testimony that prevailed under these apparent clouds, and made a wonderful progress in every part of the *civilized* earth.

It was *unlikely* to obtain credit amongst the *Jews* —whom it censured and arraigned, and whose most favoured prejudices it utterly humiliated.

It might *easily* have been *detected* or *disproved.* It used *no slight;* it crept into *no corners;* it grew not by *whispers;* it *asked* for no IMPLICIT faith;—it made a *confident* appeal; *challenged* examination, *defied* the adversaries to *confront,* or *powers of Hell* to *withstand* its *truth.* In a word, it called for *no* patronage but that of God himself to sustain it.

One of the *later* Apostles, a man of learning and of uncommon abilities—a zealous Jew, and (originally) a persecutor of Christians—when he had every thing to *hope* that could have gratified ambition from *perseverance*—and from his *revolt,* every thing to *fear* that can shake human courage—invested with a commission which he had solicited himself, at the head of numerous attendants, was at noonday struck down to the earth by a sudden flame or light from Heaven. He became Christian at once; affirming, that he had been warned by a supernatural voice, he renounced the world, he submitted himself to poverty extreme—to the rage of persecution—to the agony of death, for the Religion of Christ.

We have HIM for a witness *to the Resurrection:* —a man who was elevated by Genius, enlightened by Learning; was high in office, and chose to descend into the society of poor, despised, and illiterate fishermen, amongst whom he assumed no superiority—whose Master had been lately executed as the worst and vilest offender.

"This Man was an Impostor" (it may be said). Let us examine it! He aimed at no riches, no honour, no pleasure, no dominion or power of any kind. He *must* have *preferred* contempt, imprisonment, peril, scourging, nakedness, and martyrdom (for these were all before him, and he underwent them), to ease and affluence. He was a *Pharisee*, and must have therefore believed a future state; he must therefore have also preferred *eternal* misery to eternal happiness, without *any one temporal motive.*

If this were so, he was a *madman;* but all the history of him, and what he has left behind him, confute *that* supposition.

Look at his Writings! He was no frantic or weak enthusiast; but of exemplary virtue, and of the highest attainments in the *wisdom* that is *from above.*

In his *Letters*, we have a consummation of proof that Jesus Christ *rose from the dead.* "*It is Christ that is risen again:*"—"*who is at the right hand of God:*"—"*who maketh intercession for us.*" "*He is risen from the dead, the first-fruits of them that slept.*"

But that is not *all;* for he positively asserts that he SAW Christ after his Resurrection.

We have HIM, therefore, as a witness to the *fact*, who is *worthy* of credit, and *cannot* have been deceived.

But, "*it could not be.*"—Let us examine this objection to the root!

Assuming the attributes of God, *we* can see nothing in a resurrection from the dead *(generally* considered) as *impossible* to God, or *unworthy* of him. "Why should it be thought a thing incredible that *God* should raise the Dead?" Acts xxvi. 8.

Pliny, indeed, is of opinion, "that God himself *cannot* raise from the dead. But the soul of man (according to him) is to *perish* after death."

With *such* men we *cannot reason.* But *long* before our Saviour came into the world, it was *known*, or *generally believed*, that *nothing* was too hard for *God!* that he was the *Father of Spirits*; and that when Man died, he returned into the *region* of Spirits.

Elias and *Elisha* had restored from death unto life; acting as they were inspired, and prompted, by the *God* of Life and of Death.

In short, that *He* was equal to this *very* act (by *name)* was the general creed of those who *believed* in his *power* to *make* and *govern the world;* that is, who *believed* in him *at all.*

"But *universal experience* is against the fact; *therefore* it is *incredible;* and, *therefore*, we *must* not *believe* it."

What experience? not of the five hundred who *saw the fact?*—"No, *general* experience, and the course of Nature *at this day.*"

But we *suppose* you believe in a God, or we can hold *no argument* with you [nor *wish* that Christ, the Son of God, *should* (if he *could)* be received by an Atheist]. If you believe there *is* a *God*, you

must also believe that he *made* the world, and that he *must* have made it:—but *could* he have made it *then*, as any thing is made *now*?

It has been said, "why should *He*, who was rejected of men, be so raised at his departure from the world? why not rather such a miracle (if necessary *at all)* to honour a personage *more illustrious in rank*, and *clear* in *repute*?"

There are two answers:—First, it *may* be unfathomable to *us*, though it not only *may*, but *must* have been *supremely wise* and *good*.

But, secondly, it will appear obvious, that miracles performed by the Son of God himself, and the miracle of his *resurrection*, were fit credentials of Him who sent him into the world; though it would not be *less* fit that he *should* be rejected of men, to be an example of humility, obedience, and virtue.

It is therefore *proved*—it is *not impossible* to God, or *unworthy* of Him, "*that Christ rose* from *the dead*."

Let us briefly examine the aweful event itself!

The Saviour of Man had been suspended upon the ignominious tree for six hours: his hands and his feet nailed upon it: *he took the vinegar, and said*, "IT IS FINISHED:—*bowed his head, and gave up the Ghost*."

"*It is finished!*" The work is accomplished. I have done! I have suffered! The cup is emptied! It remains that I repose a little moment after this painful conflict. I shall *soon* appear in Victory to men, and in triumph again *(superior* to *this)* at the Day of Judgement.

The Redeemer had nothing more to endure—"*his Soul was not left in hell,*" and he "*saw no corruption.*" The *Soul (here)* means the *Person. Hell* is a term (as it often is in Scripture) for the *tomb,* or *place of the dead.*

The *Soul* in the other and popular use of the term was, by death, separated from the corporeal frame, and remained in the pure state of its eternal home, and without *form,* till his Resurrection: but then, according to his promise, the departed spirit and crucified body re-united themselves; he *rose from the dead,* appearing as when he lived.

We, too, are to rise in our *bodies.* "*Behold* (said he) *my hands and my feet, that it is myself!*"

This mode of Resurrection was new to our faith; although a future Resurrection of the soul, or spirit, was faintly shadowed, even before Christ appeared.

The *Dominion* of Christ is inseparable from his Resurrection. He *died,* and *rose again,* that he might be the *Lord of the dead and the living.*

A *future Judgement*—and *Christ* the *Judge*—are inseparable from the same fact. In reward of his earthly humiliation, he has this office conferred upon him; and his own return to life is the surest pledge of divine recompence hereafter. "*As the Father quickened the dead, even so the Son quickeneth whom he will.*" "*The Father judgeth no Man, but hath committed all judgement unto the Son.*" "*The dead shall hear the Son of God; and they that hear shall live:*"—*for as the Father hath life in himself, so hath he given to the Son to*

have life in himself; and hath given him authority to execute Judgement also, because he is the Son of Man."

With a very few remarks upon these two or three last words of the sentence, I shall close my discourse.

"*Because he is the Son of Man!*"—Hear this, ye *Sons of Men!* Behold the *Son of God,* who not only (as an *example* to *you)* was *perfect* as the *Son of Man*—who not only obtained *a new Covenant* for *you,* by sufferings and by death (with a burden so *light* in return, that it can scarce merit the appellation of a *yoke)*—but has *risen* for *you,* not only into the Heaven of his own triumph, but into the character of your Judge:—*elected* into that office, *because* he has *experienced your* infirmities—has even *tasted* of *your* afflictions—and has imbibed into *his* (pure) spirit, the *feeling* of *human affections.*

We can, therefore, *meet* a Judge like this, with less terror than a mere and pure spirit of judgement: we have in the very Judge (by whom we are to be acquitted or condemned) an advocate, an intercessor, a mediator—an oblation for us; a *son, brother,* and friend—a *man like ourselves,* but arrayed in the *powers* of Divinity.

Let us address that Judge in secret, with cheerful though modest hope, that he will *pity* our *frailties,* and make *allowance* for them! that he will *enlighten* us (in our little moment here) with better faith, and a better life to *Him* as well as to *men* — but let us *fear* him too "*with *pious* awe

* Milton.

that fears to offend," by never suffering his *judicial* power to be absent from our *thoughts*. We *may* wish that an earthly Judge should *love* us, and be *favourable* unto us; but we *must fear him too* (unless we *dishonour* him); for, though he *may* be *merciful*, he *cannot* be *unjust*. But *Christ* is NECESSARILY PERFECT in judgement; and though we are assured of *mercy too*, even MERCY is to be MERITED: and is not, of course, to be at hand because *we desire it*. No! we must be assiduous in *cultivating* the affection of the Judgement-seat, by *affection* to the *Judge* who is *there to sit*; which *affection* is *goodness alone*—" If ye love me, keep my Commandments"—it has no other shape. We must *believe* in him; we must *thank* and *praise* him; but we must also *adore* him in our LIVES, and PLEASE him by *doing* what he *requires*, by *Penitence* and *Virtue*—by *universal Benevolence*: and by no part of it *more* than " FORGIVENESS OF THOSE WHO HAVE THEMSELVES OFFENDED AGAINST US."

We may *then* have the best hope that (in a beautiful modern expression) " although a *Recording Angel* will note our sins before him, the *Angel of Mercy* will blot them out with a tear!"

SERMON XI.

THE ASCENSION.

ST. MARK, chapter xvi. part of verse 19.

"HE WAS RECEIVED UP INTO HEAVEN, AND SAT AT THE RIGHT HAND OF GOD."

The ascending flight of Jesus into Heaven, after he had risen from the dead, attested and *proved* the *divinity* of *his* nature, as the Son of God, accepted by his Parent—the intercessor of man—the Saviour of the world.

It was the *seal* and *finishing* stroke to many other proofs, that he was the offspring of his Father's love—superior to the arm of death, and barriers of the tomb. That he was too ethereal for the earth; too holy for corruption; that he was *to reign for ever and for ever*—KING *of Kings*, and LORD *of Lords*.

The miracle of his birth, and of the voice that hailed him "born of God," when the heavens opened, and the dove lit upon him—the purity of his life—the miracles that he wrought—his transfiguration—his unexampled benevolence to his persecutors—and the aweful event of his resurrection

from the dead—were testimonies of *God the Son*, clear enough to satisfy ingenuous faith, if they had *rested there*: but, when clouds received him into Heaven, even as they beheld, all doubt was at an end: the honest though timid Infidel saw conviction, and hope was lost in certainty.

Jesus having *risen from the dead*, and risen to *die no more*—conversed with his flock, enlightened them, rooted their belief, animated their affections, armed them with courage against the oppositions of Earth and of Hell impending over them, promised them his tutelary aid; *then* departed, in *their* presence, to the bosom of his Father and his God. "*He was received up into Heaven.*"

The mode of his elevation, with all its different phrases, evidently imports, that he was either translated, or self-transferred from human to divine.

Thus elevated, "*he sat* (in the words of my text) *at the right hand of God*:"—that is, he entered the *inner part behind the veil;—the temple not made with hands*—the chamber of God's immediate presence, inaccessible to men.

He was made *higher* than *Heaven itself*: advanced *above* it: invested with a *name* to which "*every knee was to bow, in heaven or in earth*;"—accompanied by Angels, and proclaimed "*worthy to receive power and riches, wisdom and strength—glory and blessing.*"

"*He* SITS *at the right hand of God.*" A *seat* imports *abode* and *permanency* of state—the solid

foundation, the firm possession, the ever-enduring continuance, the uninvaded rest of his Throne. A *seat* is, also, a *regal* or *judicial posture*.

He is, in other words of Scripture, described as *glorified*, and *crowned with honour*.

"THEY BEHOLDING (are the words of *St. Luke*) *he was taken up*"—so that *even* the testimony was the *living record* of the fact.

It was congenial to the visions of prophetic spirit, long before it came to pass. "*Ought not Christ*, (said our Lord himself) *according to what Prophets had spoken, to suffer—and so to enter into his glory?*" "*The sufferings of Christ* (are the words of *Peter*), and *his glories after the same, were testified beforehand, by ancient Prophets.*"

The History of *Joseph* was a type of the Ascension: that of *Joshua* was no less apposite; and of *David* himself. *Enoch, having walked with God*, having received the testimony that he had *pleased him*—was *taken unto him*. *Elias* was translated into Heaven in *Elisha's* presence.

These were preludes of a similar but superior elevation.

The High-priest made atonement, by sacrifice, for all *Israel*: he entered into the Holy of Holies, and there sprinkled blood upon the Seat of Mercy.

"*By his* OWN *blood* (says the eloquent Apostle) HE *entered* ONCE; *having obtained eternal redemption for us.*" He entered into Heaven itself, there to appear for us before *his* Father and *ours*—before *his God* and *our God*.

"*Thou art gone up on high* (says the inspired Poet and King); *thou hast led Captivity captive; thou hast received gifts for men, yea for the rebellious.*" What can more directly point at the *Ascension of Christ?*—an ascension triumphant and victorious over all the enemies of his Church?

"*The Lord said unto* MY *Lord, sit thou on my right hand until I make thine enemies thy footstool!*"—Who *but* Christ could be this *Lord* of *David?*

"*I saw in the night* (says Daniel) *visions: one like the Son of Man came with the clouds of heaven. He came to the Ancient of days;* and there *was given him dominion and glory, that all people should serve him.*"

But what is the *end* of this *divine Ascension?* Christ is the Mediator, King, and Priest of the Church. "*God has made him Lord and Christ.*" "*He is to reign till he hath put all enemies under his feet.*" He is at the helm of Sovereignty Omnipotent:—at the right hand of power that can do any thing but sleep; and wields the *gigantic mass* of the *world,* as the weaver plays the shuttle with his hand.

His, the discernment which no fraud can elude: *His,* the knowledge of the heart from which no depth of subterfuge can escape: *His,* the Watch-tower of the Omniscient and the All-wise, that sees whatever is *done, said,* or *imagined* in the world.

His Regal clemency dispenses goodness and mercy to the faithful subjects of his throne:—Goodness to

the Church, and the Members of it. *His* were the gifts unto men; particularly to Converts and Penitents. "*God exalted him, as Prince and Saviour, to give repentance and remission of Sins.*"

He is to *appear* for us:—that is, when our frailty is ensnared into sin (if repentance calls back a sheep to the fold, invoking mercy, and confessing guilt), the ascended Christ, and the Assessor of God at his right hand, pleads for us upon the terms of *his* own covenant:—"*If any man sin, we have an advocate for us, even Christ the righteous.*"—"*It is Christ that died; yea, rather, that is risen again, who is at the right hand of God, and maketh intercession for us:*"—that is, he continues and renews the sacrifice and covenant, presenting them, and qualifying us to obtain the ransom which they have ensured. *He* prays for us; and obtains access to God's own ear for *our* petitions; a reception of our services, and a happy issue of our hopes. Through *Him*, we find mercy and peace—*He* is that *Angel of the Covenant*, who at the golden altar offers up the suppliant breath of the Saints—improved and refined by *his* mediating spirit and merits.

It is from the right hand of God that *He* imparts to us (in the air, in solitude, and at the midnight hour of musing thought) *instruction, guidance, help*, and *comfort*.

"*It is expedient for* YOU (said he, in terms of enchanting affection) *that I go away: for, if I go* NOT *away, the Comforter will not come unto you; but, if I depart, I will send him unto you.*"

He himself hath told us, that he was to go up into Heaven:—there to ensure and prepare mansions of bliss for his faithful Servants. He is our Precursor into Heaven; the harbinger there, who disposes every thing for *us*. "*It is my will* (said he) *that where I am, there ye may be also.*"

It was, indeed, this bright ascension that unlocked the gates of Heaven *to us*; averted the flaming sword, and sent away the Cherubim that guarded Paradise against the access of men. "*No man hath ascended up into Heaven* (to use the words of St. John) *but he that came down from Heaven—the Son of Man. His* blood and life are the keys of Paradise; it is open to those who follow *Him* in persevering obedience. It is "*the new and living way consecrated for us through the veil—that is to say, his flesh.*"

Good men ascend *with Him.* Where the *head* is, there is the *body*:—they are inseparable, there *can* be no distance between them. The *Ascension of Christ* is *our* preferment.

We also shall ascend into Heaven. Strangers and Pilgrims upon earth, let us not, then, make it our abiding city, but follow in the path of the Saints. We are the children of God, and are to be translated into the Kingdom of his beloved Son:—our hope is laid up for us in Heaven, and we are dead unto the world.

By the ascent of Christ into Heaven, is marked the efficacy of *his* virtue, *his* piety, and obedience. "For the suffering of Death, He was crowned with

honour." "We look up for the model of *human* perfection to *Him, who, for the joy that was before him, despised the shame of his Cross, and sits at the right hand of God.*"

If *these* are the *effects* of the *Ascension*, what is the *moral* and *Christian use* of them?

Is Christ *ascended into Heaven?*—Let us render him due *honour* and *worship*, *fear* and *reverence!* All the Angels adore Him, and they encircle His Throne with joy. Shall *we* be *cold* in *our* homage? *we* that have an interest at stake in every honour paid to *Him*, inasmuch as His merits are reflected upon *us?* *we*, to whom the *Son of God* is *related* as the *Son of Man?* *superior* in gifts and powers, but *familiar* in affection, which is a leveller of ranks even amongst the Children of Men?

Shall not *we* exult in *His* glory? applaud *His* conquest? submit to His yoke; and bless, in *Him*, the *gentle* but *eminent* superiority of *Goodness* over the *depraved* affections of our nature?—of *Charity*, over its *pride* and *malevolence?*

Can *we* forbear to acquiesce *gratefully*, as well as *cheerfully*, in subjection to *His* mild and beneficent empire?

What is to disturb our zeal, our faith, and our hope? what *enemies* are now to be feared? what *blessings* to be solicited *in vain?* "*Be of good cheer* (said he); *the World is overcome!*"

He is our *Advocate ascending before us!*—and shall *we* call back the eye so elevated? call it back from the height above us, to the inferior scenes

around us?—the *little* objects of *ambition* or *pleasure*, "*confined* and *pestered* in this *pin-fold here* *?"

Are *we* risen with Christ?—*Yes*, we *are*. And, if so risen, must we not *set our affection* upon the *holy mountain*, which *He* has made *His* throne for ever?

To that *Head* and *centre* of our frame *can* the *rest* of us be un-allied or disproportioned? What is *our sense*, our energy, but in the "*day-spring from on high?*" *The Master of our Family* is in the realms of bliss; but should not *our* spirits follow and accompany Him *there*? explore His wishes? and meet them with *ready compliance*? *There* is *our city*; we are *denizens* of it. *There* is to be our bed of rest. *There* is deposited the *Charter of our Immunities*. *That* is the country in which alone *we* have a good estate or a valuable concern.

Invert your calculations, ye *rich* of this world! lay up your treasure, where (like an enchanted cup) it will never cease to be full! and abstain from that *visionary* as well as *perishable* hoard, which *you* call *wealth*—but which is "*trash*;" and has been "*slave to thousands*†;" "'t was mine, 't is yours," and you cannot guess *who* shall gather it, when *your* "soul *shall be required*."

"*Lift up your eyes to the hills from whence cometh your help!*"—Be ever *present*, ever conversant with your treasure in Heaven!—Grow familiar with your Father and your Brother (*God* and *Christ*) united with indissoluble bonds, in love parental and

* Milton. † Shakespeare.

filial—in love and mercy to the human race! *Contemplate* them! *repose* in them! direct your *prayers* to them! Examine with pious care their laws and their mercies! Never *avert*, *separate*, or *estrange* the sheep from their shepherd! *Fly upwards!* and cling to the summit of the rock! Assure to yourselves the eternal fruition of that blissful presence, by the tenor of Christian lives! and *catch the Mantle* which an ascending Redeemer has *dropt behind him!*

Oh, God! the King of Glory! who hast exalted thy Son to a part of thy eternal throne!—leave us not comfortless! but send *the Dove*, to lead us where *the Lamb* has gone before us! "*Lift up the everlasting doors*" that received *the Lord of Hosts!*—lift them up, that WE may come in, who are "*mighty* in HIS battle!"

Thou hast given us an ASCENDING NATURE, and a RISING PROGRESS to thee, in the very *elements* of the soul, which thy elevating hand hath formed and ripened. Thou hast given us a thirst after Thee, for *ever gratified*, but *never allayed*:—a *hope* and *faith*, *panting* for what is *infinite*, and leaping over the imperfect acquisitions of the hour. *Animate* and *refine* this inquisitive pursuit! make it *proudly superior* to the *vanities* of the *earth*; but *humble* and *patient* in its affection *to Thee!*

Knowing (*Oh, thou Omniscient!*) that *we must ascend* or must *fall back* (eternally) from Thee—*sustain* our *trembling pinions*—*renew* them when they are *impaired*—and make them *smooth* when they have been *ruffled* by the cares of this world!

Be *thy* invisible Angel put in charge over us! may the harbingers of our spirit be *Faith* and *Truth!* till we rest in the mansions of the just—and are filled with *immortal* streams, *never* to thirst again, though Eternity is before us! Prepare us at the morning of the day for this *later ascension*, when the light is closed upon us *here!* *Prepare* us for it by an elevated spirit, that is conscious of its birth, and proud of its destined capacity for the sublimest enjoyments! May *we* ascend *with* Christ, or *after* Him, even upon earth itself, borne upon the wings of Hope and Love!

Hear us, *Father*, *Saviour*, and *Comforter!* dissipate the shadows of Death! *raise* the immortal spirit! and, "*though worms destroy the body*," let us obtain in *our flesh* that inestimable enjoyment—*the sight of thee!* which an *ascending Redeemer* ensures to those who RISE *above* the world; and become assessors not only to *Him*, but *(through Him)* to *Thee!* Amen.

SERMON XII.

FOR WHIT-SUNDAY.

ACTS, chap. ii. verse 4th.

"THEY WERE ALL FILLED WITH THE HOLY GHOST, AND BEGAN TO SPEAK WITH OTHER TONGUES, AS THE SPIRIT GAVE THEM UTTERANCE."

If the Disciples who wrote the history of Christ were *honest* men, *that history* is *true*.

They *were* honest men.—They told the world of circumstances very disgraceful to their own character. *Impostors* conceal their ambition, their lust of gain, their cowardice, their duplicity, their vices, their imperfections;—but the Evangelist, having no purpose to deceive, relates without any disguise, facts tending to lower him in the estimation of men: he says, "*the Apostles disputed* which of them should *be* (in their sense of the word) *greatest*;" and that (as interested men often do) they had been forward in *professing* an affection to their Lord, upon whom they were to depend: "*If they were to die with him, they would never deny him*," was their language, and *they* tell us of it themselves; adding that, in a *very few hours* after this profession, when the moment of peril arose, "*they forsook him, and fled.*"

This humiliating narrative is a demonstration of their veracity; and their conduct is, alas! too credible, viewed as the conduct of men.

Examine the fact! notwithstanding their intimacy with Christ — notwithstanding the distinction by which he honoured them, and the knowledge they had of his probity in manners—of his purity in doctrine—of his power in miracles—of his promise to appoint a mansion for *them* in his Father's kingdom —of his resurrection—of his return to *them*—of his engagements that he *would not leave them comfortless*—*" they forsook him, and fled!" The Shepherd smitten—the sheep were scattered!* Yet nothing was more natural. The Disciples of Jesus (and his Favourites amongst them above the rest) thought he would become a *Temporal* Sovereign, who would enable *them* to participate his wealth and his power: they saw him arrested by his enemies, taken as a malefactor before the Council of the Nation :—farewell to their *hopes of advancement !*—But *that* was not *all*—they were alarmed for their personal safety; they had fears inseparable from their nature, and seldom overcome unless in those who are impressed with high notions of *honour*.

Is it not so with us? When the leader (for example) of a political faction happens to fall into discredit, his adherents are shy of him: but, if he is taken up as a pestilent enemy to public order, they avoid him: if *they* are *suspected*, they *disown* him; and if they are coarse men, they *swear* (with St. Peter) as well as *lie*, to disclaim their master.

Compare this to their *courage*, their *disinterested zeal*, in the sequel! Then see if you can find a reason for it, and what the reason is!

Did *Pilate* repent? or the *Elders* who had bribed *Judas* to betray innocent blood?—did the *multitude* who exclaimed "*Crucify him!*" change their mind, and sustain the *followers* of *Him* whom in their phrenzy they had murdered? *No!* they were obdurate as ever, till the miracles which these men performed brought "*fear upon every soul.*"

Did *Joseph*, a Disciple of Christ, and a rich man, or *Nicodemus*, another Disciple, and a Ruler of the Jews—inspire the Apostles with courage to face their enemies, and the enemies of their Master? *No!* the *reverse* is the fact—they had *no courage;* they assembled *privately;* they *shut the door* upon the day of the Resurrection, and many days after it.

What made them change their *cowardice* into *courage?*—their *treachery* into *attachment?*—their *aim at preferment* into the *surrender of all comfort?*

I will tell you what alone wrought the miracle. It was their *conviction*—that *Christ* THEIR *Lord* was *God;* that he was *risen from the dead,* and *received into Heaven.*

Let us trace their conduct, and their own simple account of it!

After the death of their Master, they remained at Jerusalem by force to keep the Passover according to Law. In this period, Jesus appeared as often as *twice* to them when they were assembled. When the feast was ended, they returned into Galilee, and Jesus appeared *again* to them, where he had said that he *would* appear. "*Seen of them forty days, he talked with them of that which pertained unto the kingdom of God.*"

On the approach of *Pentecost*, which all the Jews were to keep at Jerusalem fifty days after the Passover, they went from Galilee to Jerusalem; and there again they were met by their Master, who commanded them to remain at Jerusalem "*till they were endued with power from on high.*" He gave them their commission. "*Ye shall* receive *power* (said he) *after the Holy Ghost is come upon you;* and *ye shall be witnesses of me in Jerusalem —in all Judea—in Samaria—and even to the uttermost parts of the earth.*" When he had said this, "*while they beheld, he was taken up, and clouds received him.*"

In a few days—upon the descent of the Holy Ghost, they were enabled at once to discourse in a variety of languages which they had never learned, and received the power to work miracles that surpassed all human attainment or conception.

Now if this really happened—what conduct would be naturally expected from them? Precisely that which they adopted. They no longer *denied* their Master; no longer *enveloped* their faith in *secrecy;* no longer *feared* the *Jewish Rulers;* no longer *disputed* which of them should be *highest* in the *kingdom of Christ;*—but, relinquishing all comfort here—braving all persecution—they took a bold and majestic place in the world; *executed* their *commission;* asserted "that Jesus of Nazareth was a man sent from God,"—that he had *conversed* with them—*risen from the dead;* that he ascended into *Heaven before them,* and gave them the *power to*

work miracles—after a miracle in their favour *unequivocal, the power of languages* given at once to illiterate men.

It *may be* and *has been* often said, "they *died* for *their* creed, and so have thousands for the *opposite* faith; and it proves only their *zeal.*"

The difference is here. It is between *opinion* (which is *faith)* and the *ocular testimony* to *a fact.* The Apostles died attesting *the fact* of miracles performed by Jesus when he was alive, and the *fact* of their conversation with Him when risen from the dead.

Assuming their history of Jesus to be correct, let us resume the account of *themselves!* and of *this miracle* in particular!

It is impossible to conceive any thing more aweful than every circumstance attendant upon it.

"*A sound from Heaven as of a rushing wind—cloven tongues, or fire, sat upon each of them. The Holy Ghost filled them, and gave them utterance in other tongues.*" Every nation under Heaven was there, hearing its own language familiar to these *Galileans*, and made the vehicle of God's works. They were amazed, and were in doubt—some called it "*new wine.*" Then *Peter* (the same who had lately *denied* our Saviour with low and illiberal expressions, cursing and swearing that he *knew not the Man)* became *inspired*, and addressed them with an air of authority;—became learned in prophecy;—asserted the iniquity of the Jews, and the *resurrection* of *Christ from the dead*—the *Ascension*—the *Divinity* of Christ.

His eloquence touched them to the heart. They said at once to Peter and the rest of the Apostles, "*What shall we do?*" He answered immediately "*Repent! be every one of you baptized in the name of Jesus Christ, for the remission of sins, and ye shall receive the Holy Ghost.*"

They obeyed him; and three thousand were gained that very day to the followers of Christ. "*Fear came upon every soul:*" prompted at once by an immediate act of zeal, they parted with all they had, in order to divide it amongst those who wanted it.

A laboured and well-written sophistry has been leveled at our faith, in this event, by as able an Infidel as the world has ever produced; a deep scholar; a most elegant master of our language, a subtle reasoner, and (I am sorry to add) of my own profession.

He argues first, "that no *cloven tongues* or *fire* sat upon each or any of the Apostles, because the Jews do not appear to have been struck by it, but only by the power of languages which it imparted; and because the natives of Jerusalem accused the Apostles of '*new wine;*'—an insult which they could not have bestowed upon them, if the celestial fire had been *seen* upon their heads."

Thus it is that ingenious cavils obtrude themselves upon the word of God; and the *fact revealed* is to be disallowed, because *another fact appears*, to us, *inconsistent* with it.

"*Seek ye first the kingdom of God, and these will be added*"—may be not inapplicable here.—Seek ye first the *attestation* of the fact, and it will soon be *explained*, as well as *believed*.

The *words* admit of no dispute or quibble, though he that will *not* receive them in their *natural* import will *torture* them (as this Writer has done) to another import; gravely telling us, that fire divided and breaking itself has the appearance of *cloven tongues*.

Here at once is lost the apposite and peculiar force of the miracle in its form compared with its effect—but what is the inconsistency? The fire *may* or *may not* have remained a long time upon their heads; *may* or *may not* have been seen by all the Jews: but there is nothing in the context which proves that *none* of them saw it—or that even those did not see it who were struck by its effect; for, if there could be a comparison between two such miracles—the *continued effect* of all the *languages* given to these men was the most aweful of the two.

The accusers of the "*new wine*" may themselves have seen it, and may have been hardened; the effect would make the whole appear senseless to *them* till it was explained, and especially as they were inveterate enemies to the memory of Christ.

But *suppose* the miracle as *he* explains it—that the new language was a mere *sign* of the Gentile conversion, but accompanied with impressions of the Divine spirit (and *they at least* were to be *permanent*); how solemn and how precious must the gift appear!

It has been weightily as well as ingeniously observed, that God made the time of dispensing *Evangelical good* coincide with seasons in which the *legal* benefits most resembling them were commemorated. Thus *our Saviour* was to *suffer*, when *the Lamb* was to be *offered*:—and thus at the time of celebrating an *earlier deliverance* from *Egyptian slavery*, the *redemption of the world* by the *Son of God* was to be celebrated by *us*.

Upon the same principle (for these are not *casual* incidents) when the *Jews* were to rejoice before the Lord for the *harvest* and *fruits* of the *earth*, God imparted *those* of his Eternal Spirit. At the same anniversary (the *Pentecost* again) in which the delivery of the Law was recorded and the first covenant renewed,—at this very time was the better Law of Christ first (and by a miracle) declared in the effusion of the Holy Ghost.

The *object* of this miracle was, to announce and attest the influence of that Spirit upon the mind.

It is true, the *natural mode* of it's *act* (like that of *all spirits*) *would* have been to *penetrate almost imperceptibly*, to be *gently insinuated*, and *proved* in its *effect*. It is also true, that its *natural effect* is rather to *dispose* and *frame* the mind for goodness; *to cherish* our faith, and *quicken* our obedience—than to *achieve* a *miraculous exploit*, or *display* a *miraculous advantage* over others.

But, in order to *satisfy the doubtful*, to *convince the incredulous*, to *confound the obstinate*—God was pleased, after the Ascension, to distinguish the

Teachers and the Disciples of the Gospel with a more liberal and a more striking portion of his grace and spirit—accompanied with notorious and wonderful circumstances, likely to arrest and captivate the senses of men—persuade their judgment—and conciliate their affections.

We are all of us endued with a ray of that fire which descended upon these men. To *us*, my beloved! was *the Comforter* sent—as well as to *them*: and what must *that* Comforter be, who was to supply the loss of *Christ*—of his enchanting and sweet intercourse with man—*His* tender and vigilant guard over him—*His* powers of admonition—*His* lively pattern of innocence and virtue?—Who could be so indulgent a Master?—so discreet a Guide?—such a dear Friend? and (above all) *such* A COMFORTER as *He?*

Yet our Saviour thought his (pure) *spirit* would even be *more* useful to us by its *internal* effect, (and as a tutelary impulse *unseen*, but *animating* our *lives)* than his own immediate presence had ever been; that it could more enlighten the intellect; more incline the will, and more affect the heart, than *exterior* word or life in others—even in HIM.

Perhaps he also meant that, confined as *He* was (in the human form and character) to the limits of time or place—the ever-present genius and spirit of his Father and God would correspond with more efficacy to the various exigencies of man. By that Spirit, therefore, He kept his word, "that HE *would be with them to the end of the world.*"

We owe to that Spirit and seed incorruptible, that we are born again;—that we have capacities of solid and of durable enjoyment;—a living hope of the inheritance reserved for us in Heaven.

We owe to it—that we are free from the tyrannous and cruel "*spirit of bondage unto fear*"—from the *law*—from *sin*—from the *power* of *death.*

We owe to it—that we have access to God;—that we are no *strangers* and *pilgrims,* but fellow-citizens in the communion of Saints; that we are the sons of God; that we are members of Christ; that we are temples of his Divinity, and thrones of *his* Majesty;—orbs of *his* light, and the paradise of his presence, in whom (to use the words of St. Paul) *we are built for the habitation of God.*

We owe to it—that we are amended and renewed in the mind; repaired and reformed; endued with better *faculties, apprehensions, judgments,* and *passions,* than before.

We owe to it—that we discover felicity—not in affluence, but in dispositions of the soul, that cross our humours, and curb our appetites, in conformity of practice and life, to a rule which few of our *senses* can approve; in the reversion of an estate after our death; in the secret joy of conscience *approving* and *approved;*—in the surrender of a dear interest;—in love to enemies.

We owe to it—a force that checks the importunities of our nature to injustice, pride, envy, malice, ambition, or the lust of gain.

We owe to it—the inestimable wealth of habit.—It is true of *spiritual* as well as the *other* and the

inferior life, that, if the Comforter "*hide his face, we are troubled; if* HE *shall withhold* his *influence, we die—and we return to the dust.*"

We owe to it—an *oracle*, a guide, friend, and monitor; a hand that steers the vessel in the night; a gale that fills the canvass, impelling it with courage and with joy;—a whispering prompter of good and virtuous thoughts;—an immediate prop to our infirmities; a zealous and partial intercessor;—a guard over us; a support in afflictions, or sufferings of inward and outward estate;—the author and spring of our delight;—the *joy of belief, and the gaiety of hope*;—the natural taste and cordial of the soul.

Oh! Almighty and benevolent Power!—who hast promised the effusion of thy own Spirit upon *them who ask for it*—impart this *living stream* to *us*, who *thirst* after it!—pour it for us in the *desert*, and from the *rock!*—refresh the heart with its cheering drops!—cool with its medicinal stream the fervour of our passions!—waft us gently over it into that brighter current which no tempest can ruffle, deform, or pollute!—whose fountain was never seen!—the end of whose channel no wings can overtake!—whose depth no fathom can reach!—*boundless* and *immortal* as THYSELF!

SERMON XIII.

ANALOGIES OF NATURE.

JEREMIAH, chap. 51st, part of verse 15.

"HE HATH MADE THE EARTH BY HIS POWER, HE HATH ESTABLISHED THE WORLD BY HIS WISDOM."

Even in the *natural* world—are *tokens* and *footsteps* of THE LORD GOD OMNIPOTENT.

Let us examine a *few* of them—*single*—or *compared*—or *assimilated* (by the most wonderful analogies) to *man*, or *connected* in one *general system* of *beauty* and *good!*

"*Stand still*" (said Elihu to Job) "*and* CONSIDER *the works of God!*" *We* are too prone to *overlook* them, *beautiful* and *striking* as they are. *We are employed* (it is true) in *attentions* to some or other of *his* creatures; but in what *spirit* are we so employed? Is it in order to observe how they are formed? what ends they are in the habit of promoting? and what uses they serve? Do we take *due* and *religious* notice of perfections that are visible to eyery eye—that are obvious to every mind? Alas! *these* are points that seldom enter our thoughts: we are active *enough* in making the works of Nature administer to our *sensual* enjoyment; but "*regard not the works of the Lord* (in a *nobler* view of them), *nor the operations of his*

(all-powerful) *hand.*" We *taste* without *thanks*, and we accept the *gift* without praise or *memory* of the Giver. *Can* this be *honest?* Though *his* creatures *be* intended for the *sustenance* and *raiment* of our *bodies*, they are *also* meant as the *food* and the *nourishment* of the *mind.* If, regardless of the *intellectual* relish for them, *we take thought* only for *the rest*, what avails our intelligence?—We abuse —we debase our faculties; and are degraded (by choice) into the *mind* (such as it is) of *instinct alone*, instead of being a little—and *but* a little—*inferior to the Angels.*

We see the works of God (it must be allowed) through an *imperfect* glass, and in a *dark* mist; we *cannot* penetrate the *mystery* of them:—but *we* are not either so illiterate, or so busy, as to be exempted from the task of *considering* them; nor is it *only* to Astronomers that "either *his heavens* or *his firmament show the handy-work*" of that God who made them as they are: we may all find reason to *admire them*, and *worship Him.* Not averse to the task of exercising our judgment upon works of *Art, shall* not the works of *Nature* strike us *at all?* works that are *all beauty*—works, in *comparison* to which, those of *Art* are coarse, and beneath our notice? Matchless are their attractions and their glories! The *continual* presence and succession of them solicit our *contemplating* eye for ever and for ever!—but *in vain!* It is *because* they are so *familiar* to us that we *disregard* them. Yet it is our *duty*, as well as our *pride*, and the source of our purest

enjoyments, to CONSIDER the God of Nature, and consider him *well*. The *minutest insect*—the *simplest* of the *vegetable* tribe—*every* particle of *inanimate* nature—contains in it a depth of mysterious wonder, which no human intellect can *fathom*, but which few are unable to *consider*, with *use* and with *improvement* of their *talents*, and of their *faith*.

Thoughts, however, like these—to *us* who live in the midst of *Nature's bright scenery* around us *(adorned* and *cultivated*—but *Nature still)*—find a *readier* access, than to *others* who are *pent-up* in *Courts* or *Cities*.

Let us *begin* with plants—and with any one of them! Look at the *number*, the *order*, the figure, and the *texture* of the *parts!* Have they not *all* of them an *apt* relation to the *work* they are to *perform*? The *seed* for *continuance*—*other parts* for *nutriment*—*others* for *beauty*—*others* for *shelter* against every *external accident*.

I will not ARGUE, in so enlightened an age (and before such an audience) that CHANCE never made any *one* of those *lilies in the field*—more beautiful in their apparel than *Solomon upon his throne*.

From *plants* (and multiplied in a thousand forms) let us go to *animals*—or any *one* of THEM! How inconceivable the variety of its *organs!*—their *delicate minuteness!*—their *exquisite shape* and *position!*—their *temperament* and their *habit!*—every one of them *designed* for its office in the *living machine; this* to continue the *kind, another* to sustain the INDIVIDUAL, a *third* for an *acute perception* of

that which is *necessary* and *convenient*, or *dangerous* and *hurtful*. *One* to *pursue* the *good*—*another* to *repel* what is evil, or to *guard* against the *approach* of it.

For example—consider THE EYE! that can reach the firmament in Heaven, and can make the Universe present before it! Consider that EAR, which at a moment catches the least breath of air! Consider the organs of SPEECH or of TASTE!

Let us examine, too, the RELATION of *things* to ONE ANOTHER!—Thus, how suited is the *animal* to the *element* in which he is to *live!* to find *sustenance*, *harbour*, and *refuge!*

Here again look at the organs of each! Take *again* the *eye* and the *ear!*—How vain the optic nerve, (or *power* of seeing), if *light* could be *withheld!* or where the *beauty* of light, were all things *blind* in its theatre! How vain the power of *hearing*, if it could not find a *suitable* disposition of the *air!*

So as to the *other* senses—*vital* or *animal*—and their several objects, *meeting* one another (as they do) with a kind of *reciprocal attraction*. *Colours* to the *eye*:—*fragrant* herbs to the power of *relishing* them—*food* (of all kinds) ATTACHED (if I may use that expression) to the *taste* that is to *receive* them.

Was any thing ever like the *musick* of Nature!—the *birds*—the *rivers*—the *wind*—and the *solemn tones* of the *sea*?

Does not the *air* comfort and refresh our *spirits*?—does not the *earth itself* yield a kind of *medicinal scent*?

"*The fool,* therefore, alone could ever *say in his heart there is no God,*"—with *such* a theatre before him, if he looked at the *exterior only.* Whoever *hears* not the *voice,* and *sees not* the *hand* of *Infinite Power, Wisdom,* and *Benevolence*—may well be laid aside in the account, as a man who is *able* to *hear* and *see,* but *chooses* to be *deaf* and *blind.*

If no effect can be *self*-produced, or exist without an *efficient cause,* what can be said of these wonders that *fill* and *pervade* the Universe—*meet* every *perception*—*charm* every *sense*—and awaken us to the *Religion of Nature* upon every side of us—the *insect* and the *weed* proclaiming *a God,* as if they had the voice of Angels?

Let us next mark the *subserviency* of all things to *man!* The *earth,* in its *mineral* wealth, and the *surface*—a table well furnished with *herbs, grain,* and *fruits,* to *nourish* or *gratify* us—to *cheer* our *spirits,* or to *heal* our *maladies!* The *woods* giving *shade, materials* to *build* or to *navigate,* and a thousand implements! The *barren mountains* pouring their *streams* into the *vale,* to *enrich* our produce *there*—to *support* our *lives,* and *convey* our *goods!* The *sea, transmitting* our *commerce,* and presenting us with *wholesome food*—besides forming a kind of great cistern for the rivers and fountains! The *wind* (ungovernable as it may seem) "*fulfilling the Almighty word;*"—*impelling* our *ships,* and *cleansing* the *air* for our *health*—*scattering* clouds, and *breaking* them into *showers* that nourish our *pastures!* Animals, *feeding* us—*cloathing* us—

easing our *labour*, and *promoting* even our *diversion!*

I now come to the most wonderful of *all analogies*, and in general the most *overlooked*: I mean—the resemblance between the *elements* of the *world*, and the *passions* or the *actions* of *men*. Can you believe it? (yet so it is) that powers and propensities of a *similar nature*, and operating in a *similar manner*, pervade every part of the *natural* and the *moral* world?

"*Good books in every thing*" (as the Poet of Nature well expressed it). The *natural* world is a theatre of *morals*.—Examine it well!

"*Every disorder* is *cured* by its excess."

The sultry calm ends in a *violent storm*, which *dissipates* the *vapours*, and *restores* the *purity* of *air*. The *tempest*, *exhausted* by its own *violence*, begins to *relent*; and in due time is *melted away*. *Intense heat*, while it *parches* the *earth*, *exhales* the *mist* that *waters* it with showers.

Even so in the *moral* world—*all our passions* and *vices*—by their *excess*—*defeat themselves*.

Excessive rage takes away the *power* to *execute* the *mischief* it *threatens*. *Repeated perfidies*—disable *him* to be *again* perfidious in whom none will *confide* any more. *Extreme self-indulgence enervates* the *appetite*, and makes the *unwilling reform*. As in the *natural* world the *elements* are checked in *their* powers by mutual and counteracted opposition; even so in the *moral* scene, vices are guarded by a *jealous competition*.

For example—*profusion* gives back to the public store what *avarice* withheld. *Envy* and *malice* clip the wings of *ambition*. *Revenge* by its terrors averts *oppression*. The *perfidy* of the accomplice brings *theft* into *light*. The *mercenary* harlot *betrays* the highwayman she has *encouraged* and *employed*. The *coward-villany, or frantic enthusiasm*, of the *assassin* rids the world of a *tyrant*.

In the *natural* world—*middle* climates, and removed the farthest from *extremes* of cold or of heat, are the most *pleasant* and *salubrious*.

In *human* life—the *middle* ranks are the *most favourable* to *happiness* and *virtue*. *Inconvenience* and *benefit* are distributed with an *impartial* hand through all the regions of the *earth*: and so they are in the *various* conditions of *man*.

If the more *Southern* climates have their *brighter sun*, their *fragrant gales*, and a *richer profusion* of *plant* or *flower*—they have *also* their *pestilential heat*, their *noxious animals*, the *earthquake*, and the *hurricane*.

Thus—if the *rich* have *their* luxuries, which the *poor cannot* reach; they have also their *languors*, their *distempers*, and their *self-created sufferings*, from which *poverty itself* has exempted the *poor*.

We admire the *azure* of the *vaulted sky*, and the *lustre* of the *distant cloud*: but, approaching them on the summit of the mountain, we discover the *illusion*: it is a vapour at the best—and *perhaps* a *tempest*.

Thus—in *youth* (oh! hear it! ye that are *young* around me! and hear it *in time!*) we look with

cheerful hope to *honour* and *pleasure* at the period of *independence* and *self-government*. *It comes!*—and what is it we find? The meteor is vanished into *air*. WHAT is it we find, but either *dull inactivity*, or *turbulent passions!*

The four seasons of our year—the *gaiety* of Spring and Summer's *pride*—the *serenity* of Autumn and Winter's *gloom*—are assimilated *proverbially* to the corresponding stages of human life. The peril of *greatness* compared with a *mountain*—so *near* the *tempest*; the *safety* of *inferior* conditions, resembled (by Moral Poets) to the calm *humility* of the *vale*—the *bending reed* and the *knotted oak* in the tempest, as emblems of *meekness* and *pride*, are become *familiar similies*.

These, and a thousand more instances, point out the analogy of *things* to *men*.

It reaches with accumulated force the *political* world—but let this *hint* of it in the *moral* be sufficient *here*, and at *this time*.

Let us now examine the *general harmony* which *unites* the several parts of the world into a *system of good!*—let us examine it as *one complex* figure—nothing *superfluous* or *defective*—nothing *deformed* or *out of its place*:—the whole mass continuing without interruption or change—no seed of corruption or of tendency to decay:—particular vicissitudes better enabling the *general* establishment—*private corruptions*, or *death* of the *individual* sustaining the *public health* and *life*.

Six thousand years together has this great ma-

chine endured—*unimpaired* in its *beauty*, and *fresh* in its *powers*: *unwearied* in its *course*, and *so fast* (in its *general* stability) that it "*never* (in *that* view of it) *has moved at any time*."

Well might Saint Paul infer, as he does, that "INVISIBLE *things of God are clearly seen*; being *understood by things which are* VISIBLE—*even* HIS ETERNAL POWER."

From *hence* therefore we should *know God*—or (as *he* adds) be *inexcusable*; and more so if, *thus* knowing Him, we can ever *dishonour* Him, or *neglect* His *will*.

For *us*, was this beautiful fabrick *pre-ordained*, *brought into life*, and *cherished*. It was to be *inhabited* by *us*: the scene of action for our virtue, and school of our talents: a temple of devotion, *most* acceptable to ourselves, and congenial to our nature: —for *our* benefit—the *heavens*, the *earth*, and the *sea*; "*the moon and stars which he hath ordained*."

"*What is man—that God should be mindful*" of such an *atom* in such a boundless extent of planets, and of *their* inhabitants?

Does it not raise our thoughts to *the very Heaven* thus made for *us*, *above* the little sufferings of human allotment, when *these* blessings are thrown into the other scale?

What can better prepare us for the enjoyments of the future state intended for us, than to *contemplate God in his works*—an office of the mind which Eternity will *employ*, but never *consume*?—What can more conduce to the *refinement* of *human*

intellect? It was the original employment of innocence, and the chief blessing of Paradise: it is now the business and the *joy* of *nobler* spirits than ourselves—of *Angels in Heaven.*

If the visible God were to exercise no intellectual faculties, why such profusion of *art* and *skill?*—The *common* uses of life require no such varieties. Can the finger of God, existing around us, ever cease to be discerned by the intelligent and the rational? Can we refuse to *improve our own* minds in *considering* these works?—to enjoy the most *rational pleasure?*—to lay the sure ground of Religion in a *service acceptable to God,* as well as dutiful and zealous on *our* part?

See how *all* the *natural* world *obeys* the God of Nature! and shall *we* be disobedient, who have so much to *hope,* and so much to *fear?*

Shall the *pillars* of the *Heavens tremble* and be *astonished* at his reproof? shall the *sea* and its *proud waves* be *curbed* and *fettered* by his decree?—shall *fire* and *hail, snow* and *vapour,* the *wind* and *storm, fulfil* HIS *word*—though *man* (who is placed at the *top* of nature—*for whom* it was made, and whom it serves) can *rebel* against *His* Governor and theirs?

No! let us *fear God!* and worship *Him* that made the *Heavens* and the *earth! made* them, "*and saw they were good,*" for *us* and for *Him!*

To this *Creator* and *Parent of all things,* let *our* tribute be that of *obedience* and *perfect adoration for ever! Amen!*

SERMON XIV.

FOR A FAST.

ASA.

2 CHRONICLES, chap. xv. verse 3, and part of 5th.

"NOW FOR A LONG SEASON ISRAEL HATH BEEN WITHOUT THE TRUE GOD, AND WITHOUT A TEACHING PRIEST, AND WITHOUT LAW."

"AND IN THOSE TIMES THERE WAS NO PEACE."

Asa, the King of Judah, began his reign, *at peace* with all around him; the *kingdom was quiet before him*; and *the land had rest*. "He commanded Judah to seek the *Lord God of their Fathers*:" and "he built *fenced cities*."

It was in this conduct that he united policy and religion. It was *(he* thought) a powerful barrier against future enemies, to reform the *national faith*, and spread the *example* of his own *religious character*—that inestimable advantage of Regal eminence, both in the policy of government, and the happiness of the governed.

But Religion ALONE is for *no kingdom* which is of *this* world. *Other* barriers are necessary, against *human* violence, foreign and domestic—"*the towers*" and "*the gates*," the "*target*" and "*spear*," the "*shield*" and the "*bow*."

These were also in readiness; and the hour of battle came—*not provoked* by this excellent King—but *forced* upon him by one of his neighbours at the head of a numerous force—and that neighbour an *Infidel.*

Asa went out against him; cried unto the Lord God, and said, "*Lord! it is nothing for* THEE *to help, with* MANY, *or with* NO POWER:—*help us, for we rest in* THEE."

His prayer was heard; the enemy was overthrown, and the King returned victorious to Jerusalem.

Azariah met him by the command (or *spirit)* of God; and said, "*Hear ye* ME, *Asa, and all Judah! The Lord is with you, while* YE *be with* HIM; *but,* IF *ye forsake Him,* HE *will forsake* YOU." Then follow the words of my text; which is an aweful precept, in the form of an historical event. He adds, that "*Vexations were upon* ALL *those countries; that nation was destroyed of nation—and city, of city.*"

He then closes the allusion (or parable) in these words: "*Be* YE STRONG, *therefore, and let not* YOUR *hands be* WEAK! *for your work shall* be REWARDED!"

The King took the hint, and "RENEWED THE ALTAR OF THE LORD." His neighbours from Israel "FELL TO HIM, *when they saw that God was with him;*" "*and they entered into a covenant,*" "*and sware unto the Lord.*" "*And all Judah rejoiced at the oath:* for they had *sworn with all their heart, and had sought the Lord with their* WHOLE

desire; and He was FOUND *of them: and the Lord gave them* REST *round about,*" " *and there was* NO MORE WAR."

In almost every *word* of this extract, there is deep morality for *our* times; and it is not a little apposite (in *all* its analogies) to *the day before us.*

The King that reigns made Peace the first object of *his* ambition—to reign in the *heart.* The virtue of *his* domestic life is *exemplary*, and perhaps *unexampled.* There, calumny has never touched him, or even breathed upon him.

He has been a model of Religious duties; and our *true God* is the *Pillar of his Throne.* He has made the Judges of the Land independent of him; and has given to *their* office the noble tenure of *good behaviour.* Our *Laws* are the *envy* of the whole earth: and the *Court* has no weight in that scale.

But we are now in the *second* war of *his* reign. It is a war destitute of colour on the part of the *aggressor:*—it is of a singular nature, and against very peculiar enemies.

The invader of *Judah* seems to have alleged no *pretence* for hostilities; nor indeed in *those* days was it the custom (as it *is* in these) to *assign motives*—an *army in the field*, was the *Herald.*

A more wanton attack was never made, than upon *us.* It was the *envy* of a *disordered* and *savage Infidel*, at a *well-disciplined*, a *religious*, and *sober* Government, that called *that* aggressor into the field against *Judah:* and *such* was the war upon *us.*

We had *a God*, and we had *morality*:—this *fact* alone was an *aggression* which the *Impious*, the *Savage*, and the *Libertine*, would *of course* repel.

But let us examine it, in a short and clear epitome!

A wild spirit of tyranny in the multitude had supplanted a weak and a corrupted *theory* of power —*dangerous* in *itself*, though in a *merciful* hand.

That in *France* the *manners* of the *Court* were *depraved*, the *faith* of their *Church* either *light* or *superstitious*, *property* ill *secured*, and the *Law partially* administered, there is no *ingenuous* doubt.

The King wanted *firmness*, and *Regal talents*: he had many (if not *most*) of the *other* features in a *good* Prince. He was *religious*, *disinterested*, *well-intentioned*, *fond of his People*, *just*, and *humane*.

He had reformed (with a self-denial that was greatness of mind as far as it reached) the abuses of his own brilliant household—when his power was not even envied—when he was young, as a *King*, and as a *Man*.

Many abuses, however, existed and were in force. Above all, the right of imprisoning by signature alone, for a time indefinite, and without an accuser.

This engine of tyranny was not, indeed, *applied* (as in preceding reigns) to purposes of cabal or intrigue: and clemency, in *fact*, with a *power* of *despotism* in its hand, was the ruling feature of the Government.

It happened that *we* had lost the *Americans*; and that *France* to a certain degree (for the pur-

pose of injuring *us)* became Republican, as an ally to *them:* but still it was FRANCE—enslaved by *inveterate* habits, even to the *despotism* upon its Throne.

The *collision* of *such* elements, even in *friendship,* and against the common foe, *could* not be *innocent.* The *American Spirit* was uppermost. *Liberty* became the fashion, as a kind of new dress, at *Paris;* and *that Liberty* was in the WORD.

Good Men (but very *improvident Statesmen* or *Philosophers)* thought it a *word,* or *cry,* which *they* could *animate,* and yet *govern.*

They *began well,* and at *the right end;* many checks were made upon real and flagrant abuse. Feudal rights were destroyed, and superstition corrected:—but the *People* were *subordinate* still, and *the Pyramid* STOOD UPON ITS BASE.

Then arose *Incendiaries,* and "*wiser than Children of Light.*" *They* knew what *numbers* could accomplish—*they* knew the nature of *man inflamed:* but, above all, they knew the *National character*—they knew it was *light* and *cruel.* Hence a war among themselves, unexampled in the annals of the world.

It happened that *Religion* (or at least the *name* of it) was upon the side of Legitimate Power:—*that* power was to be *destroyed.* The *Deity,* therefore, was *disowned;* and the *Lamb of God* (though *Saviour of the world)* was *rejected,* because his *Name* would have been hostile to fury and revenge.

In place of their *true God,* they substituted a

painted Harlot, as the living effigy of REASON. Their "*teaching Priest*," who *would* have *taught* them good affections and *mercy*, was banished or assassinated.

Their King was murdered, in a judicial form.

The many-headed Monster, having tasted of blood, fell at last upon the keepers and feeders themselves. *Terror* and "the HOLY duties of Insurrection" (as they were *impiously* termed) were made the ruling principles of that which called itself a Government. It was *Marius* and *Sylla* revived—alternate proscription between oppressor and oppressed.

Judicial forms were signals of military execution. All *Europe* shuddered.

By *these men* was exemplified the fate of *Israel* in my text. They had no more their "*true God*," their "*teaching Priest*," nor "*Law*" (that merited the *name*). Consequently (as in *Israel*) *there was* NO PEACE.

But their anarchy, and their blasphemies, took a bolder stride (and of the first impression since God made the world); for, *Disorganization* was *organized*; *Impiety* was made a *Religious Creed*.

Ambition followed:—and they were to *pay* this *new* principle of *Government*, by a *new* principle of *obedience*. *Terror* was to convert every *subject* into a *soldier*.

Upon ideas equally new, they courted war, in the form of that *affection* to other States, which *disaffected their* subjects, and convulsed every system in political, moral, social, or domestic life.

This was *called* "FRATERNITY"—and it has polluted the name for ever!

Thus *originated* our present war.

It was in self-defence that *we* took up the shield; it was to save our *God*, our *King*, our *Laws*, our *Freedom*, and the common elements of *civilized Man*.

War, indeed, is not *less* a *calamity* because it is *just*; but it is better to *perish* than to be *enslaved*, though every opening should be *made* (as well as *accepted)* for *equitable* terms of *Peace*.

We have in *this* war, however, amongst its attendant *calamities*, a comparative blessing: we look at *France* in her *Cabinet*, as well as the *Field*. It is an oracle of truth, from the *Rhine* to the *Seine*, that *no Government* can exist *without God*—or *Freedom without Government*.

Let *us*, however, look *at home!* and (like *Asa)* make the *God* of *Battles* OUR *friend!* Let us take away the *altars* of *strange Gods!* *These* are our passions, or follies—*never* more *prevalent*, *open*, or *mischievous*. Let us "break down *their Images*, and their *Groves!*" Let us "*renew* the *altar of God!*" let us *renew* it in the *heart*, and make the sacrifice of *contrition* to *Him*, which He hath told us that He will *never despise!*

But let us be *firm* against the *Enemy*, who SAYS "*Peace!*" when there *is no peace*—inflaming (through *his* emissaries) in *our own* (distempered) citizens, the loyalty of the subject, by *recommending* peace with *Anarchy*, and with *Regicide*.

Let us, with redoubled zeal, guard the person of a King, who (like *Asa)* does that which is *right* and *good*, in the eyes of *the Lord his God!*.

Let us make our covenant against impiety! and remember Solomon's Prayer in the Temple which *he* dedicated—"*Hearken unto the supplication of thy servant, and of thy people Israel, when they shall pray towards this place: hear them from thy dwelling-place, even from Heaven; and* WHEN *thou hearest,* FORGIVE!

"*If thy people are smitten down before the enemy, because they have sinned against* THEE, *and shall return, and confess, and pray, and make supplication, before Thee in this house—then hear Thou from the Heavens, and* FORGIVE *the sins of thy people!*"

"*If there be dearth in the land—then what prayer or what supplication soever shall be made of any man, or of all thy people—when any one shall spread forth his hands in this house, then hear Thou, and* FORGIVE!

"*Oh, Lord God! turn not away the face of thine Anointed!—remember the Mercies of David thy servant!*"

This Prayer was heard:—and upon the terms of obedience to God, he made a covenant with *Solomon,* "that a man would not fail him to rule over *Israel.*"

But the *mass* of the *people* must equally be devoted in worship (of the *heart,* as well as *prayer)* to Him that *heareth in secret,* and *rewardeth openly.*

Let us reform vicious habits! abstain from selfish desires! be humane and merciful! gentle and long-suffering! benevolent and generous to the poor! amiable in domestic life! just and pure in morality! good citizens, and good men!—Patriots and Christians!

This will be *the Fast that God hath chosen*; a *Fast* that will be *sanctified*—in whose "*day*" *we* shall *find pleasure*—and the *Lord shall hear our cry*: a *Fast*, not unto the *world*, but unto *Him*, *chastening* the soul.

If *such* a Fast is *kept*, *Angels* will minister unto *us*, even as they ministered unto *Jesus Christ*, when the involuntary Fast (which at present we commemorate) afflicted *Him*.

To *whom*, with God (the Father and the Comforter) be Honour, Adoration, and Love! now and for ever!

SERMON XV.

ON MIRACLES.

ST. LUKE, chap. i. verse 34.

"THEN SAID MARY TO THE ANGEL, HOW SHALL THIS BE?"

Miracles, in the Gospel, are *public*, or *private*.

The *public* are such as the *cures of Lame and Blind*—the *darkness* of the *earth* at the *death of Christ*; and *(above* all) his *Resurrection from the dead*, attested by numerous witnesses.

In *private* Miracles, we are to rank the Angel's *apparition* to *Joseph* and *Mary* in *dreams*—the *vision of Zacharias*—and other supernatural events, attested *only* by the parties themselves, in whom (or in whose presence) the Miracle was wrought.

Amongst *these*, we have the *birth of Christ*, WITHOUT A HUMAN *Father*.

There is nothing *incredible* in such a birth, unless we deny *any Miracles at all*. What are *the dead made alive again? a man who walks upon the sea?* or the *cure of those who are blind*, and by a *word?* They are *Miracles;* they are well attested, and they are believed.

In our *first Parents*, two persons were born without a father: it was not, therefore, *unexampled*, that *Christ*, born as a *man*, should have no *human* parent.

But we are told by the *reasoning Infidel*, "that a human pair, and supernaturally born at the *infancy*

of the world, was a *fact* accompanied with a *reason* for it; but the *Birth of Christ* in this mode had *no* reason for it—none at least that *we* can discern: that it is not, therefore, *credible* as a *fact*."

What? are *we* in the councils of God? and had the *birth of Christ* "*in this wise*" *no* reason for it, because *we* are not acquainted with it? *We* should have thought, man would have been *created virtuous* and *happy*; but who does not *see*, and *feel*, that in *this* (our) *day* he is *vicious* and *wretched*?

Can *we explain* this, or account for it by *reason*? We *can* explain it, but it is *not* by *reason*. It was the *fall* of man from his *native* innocence:—of *that event* it is not *reason*, but *Scripture*, that has told us. *Another* Testament has informed us, with equal authenticity, of Christ—*born in our flesh*, and that he was born *of a pure virgin*: assigning the *first* of these two events, in the history of man, as a reason for the *second*.

Could the *base Infidel* have redeemed the world *better*? If he should refuse the name of "*Miracle*" to the birth of *Adam*, because *he* was *prior* to the natural course of human birth, he is not made the wiser by a different use of the *word* "*Miracle*." The birth of Christ is *not more* incredible according to *Nature*, because it opposed the current of *preceding* events—than is the birth of *Adam*, because it was *coeval* to that of *Nature*?

But he was "*incarnate by the Holy Ghost*," as well as "*born of a pure virgin*;" and thus brought into the world—*a Son of God!*

The veil is not for *us* to remove; but is it less *divine?* It is God upon Mount Sinai, confessed and adored in *fearful* presence:—to *gaze,* was to *perish:* to *ascend,* was *death.*

But was *He* less the God of Mercy to the camp at the *foot* of the mountain, when (through his Prophet) he told them *how* to fear *him,* and *live?*

The *weed* upon the shore is *of God.* Let an Atheist examine it!

Man is of a *nobler* frame: but *he* too is the work of the *same* hand. He is nearer to Him that made him, in perfection:—he is often termed in Scripture "*the Child of God.*"

Spirits are also described as *Children,* and *First-born* of the *Most High;* superior to *us,* and born before us.

But the *Son of God,* who was "*incarnate by the Holy Ghost,*" is a very *different* character. He *was,* and *is,* God and Man.

"*Incredible!*" (we are told)—but *why?* Can *we* explain how the *body* and the *soul* are *united?* yet the *fact* (and long before Christ appeared) had been thoroughly ascertained.

God was made *human,* to redeem us from sin. "Could He not have saved us with less trouble?" interrogates the Infidel.—We are silent.—"*How* could He *assume* the *nature of man, without ceasing to be God?* or, if he *was God still, how* could he be *man?*"—Silent again! *silent,* because *ignorant.*—But, when asked, "why should He be *willing* to redeem us?" we answer, with tears of joy, "*because he loved us.*"

In the *result*, there is *no* obscurity. We are *doubly* the work of God's hand: He *made* us, we *lost* Him—and He *bought us again* at the dearest price.

GOD has told us, *why* his only Son assumed our nature: shall we ask the *Infidel* why *he* disbelieves it, or justify to *him* the *faith* which is in ourselves?

It was to demonstrate the *goodness* and the *mercy* of a Celestial Parent: "He *so* loved the world, that he gave his only Son, and sent *Him* into the world, that *we* should *live*—by *Him*.

But even HUMAN *reason* is not *quite* absent; and in part may *vindicate* the mystery which it *knows* to be *divine*, and *precious in good*.

It was *expedient* that God should be *man*, as an *additional* claim upon our *love* to Him, for such a descent from his throne—laying aside the majesty of his nature, putting Himself into *our* condition, conversing freely with us, amenable to the same duties, and suffering as *man* would suffer.

It was *expedient* that, as a *Redeemer*, He should be *God;* enabled by His power to save us, to remove the difficulties, and overcome the last Enemy to be destroyed, even *Death itself*.

It was expedient that He should be *the Son of God:* in other words, that, by his *relation* to God, by the celestial pre-eminence of his nature, and by the inestimable value of his merit, he should conciliate *His* Father and *ours—mitigate* his *resentment*, and *satisfy* his *justice*.

It was expedient that *his Gospel* should carry with it the light and the efficacy of truth; that his *example* should attract our *emulation;* that *his Law* should have *supreme* authority, and be accompanied with infinite advantage to us: it was *fit*, therefore, in this view, that a *character of Divinity* should mark what he *said*, and what he *did*.

The *Redemption* of Man was too august an office for *man* to fill; too *difficult* for any but God: thus far it was necessary that our Saviour should have been *God*.

But he was also to be *Man*—that, by perfect obedience and patient submission in the *human* character, He should obtain God's favour to *us;* that, "*as by man came death*," *by man* should *also* come the "*Resurrection of the dead;*" that as man (by self-indulgence) wrought his own punishment, he should recover his happiness in voluntary sufferings. It became *Him*, "*for whom are all things*," and "*by whom are all things*"—to make "*the Captain of our Salvation perfect through suffering*."

It was also *fit*, that He who was to intercede for *us*, propitiate for *our* faults, and relieve *our* condition, should be *tender of our good*, and sensible of our necessities, by experience of our *nature*. *It behoved Him to be in all things like unto his brethren, that he might be a merciful and faithful High-Priest—that he might propitiate for the Sins of the People: for, in that he himself suffered (being tempted), he is also able to receive those who are tempted.*

He was also to be *man*, that by appearing in a *human* shape *(familiar* and *acceptable* to *us)* he should convey the intentions of God in a *more easy* and *gentle* manner: that he should give us a *model* of human virtue, telling us how to conquer appetites, to govern passions, to employ the soul, and pass through *all* conditions *well.*

Nor was it *less fit*, that He who was to be appointed our Judge at the latter day, and Substitute of the Supreme, should be (as *God)* of perfect wisdom and of perfect righteousness; but that He should also be *man*, to shelter us from the *insupportable* presence of God—that He who was to reconcile all things in *earth* and in *heaven*, the *Mediator* and *Peace-maker* between God and Man (to purchase *our* peace, and repair *His* honour) should be nearly allied unto *both* parties; *God* and *Man*—Son of *God*—and *Brother to* us.

Well may Heaven admire, earth be astonished, and the *infernal* spirits *tremble*, at such a mystery of grace—that even the *World's great Master* should become a *poor*, *weak*, and *frail* man—should inhabit *flesh*, converse with *human* creatures, and suffer *disgrace* as well as *corporal pain!*

What can raise our love to God, if *this* can *fail?*

Can we refuse to be *obedient* and *charitable?* Did *He* sequester himself in the *valley of tears*, and the *shadow of death?* and *what* oblation of self-chastisement can *we* deny to *him?* Was *He poor*, to make *us rich?* and shall not *we comfort the indigent* amongst *ourselves?*

How dearly should we estimate this *comfort* and *joy!* "*Unto* US *a* CHILD *is born—unto* US *a* SON *is given!*"

Is *victory* joyful?—a *Warrior* comes into the field, that shall *conquer Sin, Death,* and *the World.* The Captain of our Salvation appears! *humility* his *triumph! envy* and *pride* at his *feet!*

Is *peace* acceptable? Behold the *eternal reconcilement* of Earth and Heaven! the *peace* of *conscience* between man and himself!

Is *liberty* a comfort? The *Redeemer is come!* The *ransom* and *freedom* of the world are *purchased! Innocence,* in a *human* form, has liberated from Sin, and led *captivity captive!*

Is the *arrival* of a *dear friend* congratulated?—The BEST *Friend* of man comes to *visit* us!

Is the *mirth* seasonable upon the *nuptial day?* The *marriage of the Lamb* is come!—*indissoluble union* between the *human* spirit and the *divine!*

Is *the Sun* after a *long night* cheerful? The "*Day-spring from on high hath visited us,*" and guides our feet into the *way* of *peace!*

To *Thee,* with love and thanks, oh, *Parental* Fountain of all that can be dear to the followers of *thy Son!*—we offer (not in *words,* for *they cannot* reach it, but in the depth of the heart which is open to thee) an adoring Prayer.

Teach us in what has been done for *us* (and by *Thee)* a more exalted conception of man's nature, that has been *visited* and *shared* by *Thee!* It is the hem and skirt of that light, which has, before

the world, through it, and for ever, invested *Thee, our* Parent in Christ; who has called us from the shadows of death into *Thy* bosom (as the shepherd calls the lambs into the fold); who has gone before us to the Seat and Throne of Mercy in Heaven; at the wonder of whose redeeming cross "the Angels tremble;" and joy is overcome by its own transport, in *spirits of the just made perfect:* for even *they* (as we are told by *Thee),* in vain pre-eminent over *us* upon a more elevated scale of bliss or capacity, are silent, as well as prostrate, when the mystery of Christ is before them.

Convey to us the patient humility of the Lamb, that redeemed us by his blood! Pour into us (by the *same* current) that which is above all wisdom—a benevolent spirit, in which our nature can best be elevated (oh, Eternal Spring of Charity!) into Thine!

Animate us (bright Spirit of perfection!) with a more exalted view of the Power that, having framed and actuated the world, having revealed its own Divinity in a thousand stupendous forms, having foreseen and predicted events to come *in the fulness of time,* having wrought miracles, having renewed the mind, and reformed the manners—ended His great work, in the reconcilement of Justice and Mercy, upon the Altar of Truth!

Plant in us (Thou *purest* of all Spirits!) a subordinate efficacy of the same *redeeming* virtue—a power to make an ablution of that flesh, which the taint of guilt has envenomed, in the waters of health and life!

Let us admire, with suppliant homage, but with grateful and fervent zeal, the temple of this birth, and the "*border* of this *mountain*," that was thus to manifest Thee!—contemplating in the very *manner* of its conception, one of a thousand (luminous and blazing) proofs, that He who was thus *incarnate of the Holy Ghost*, and *born of the Virgin*—"*surely* was THY *Son, our Lord.*"

May we acknowledge and vindicate, in the family-descent of His *terrestrial* parents, *another* proof that he was THY *Son*—resulting from the tenor of prophetical inspiration, delineating (as with an *Historian's* pen) those *very* features of the miraculous event.

Hold up to us (Preceptor of Humility) in the Virgin-mother's humble state, and in *her* gentle spirit, a contempt for the vain glories of the world!—a reverence for that which alone is *truly* elevated, the interior of the soul—"*The hidden Man of the heart*," which, in the sight of *Thee*, is "of great price!"

Enable us (Immortal Recompence of the Good!) at the end of this conflict here, to ascend with our Saviour, thy Son!—to be carried up from the cold oblivion of the tomb, and sit with *Him* at the right hand of Thy immediate presence!—to *deserve His* intercession for us *there*, at the altar before Thee, which has been consecrated by Him—that even the incense of *human* breath, as the earth shall open to receive the lips that part with it, may be enlivened by *His*, ætherial, spirit in its way to *Thee!*

Bless the fainting Pilgrims here, with a confident hope that our *closing* scene will compensate, in the weight of its glory, for all our sufferings in the vale of tears, that can last but for a day!—that we may look up into Heaven for abode and rest! Give us courage to "*run the race that has been set before us*" by a Redeeming step, that has made "*strait in the desert a highway*" for *us* and for *Thee!*—to *die* with Christ, that with *Him* we may live!—to *endure* with *Him*, that we may REIGN with Him!

"*The Kingdom of* THIS *world is become the Kingdom of* OUR *Lord, and of* HIS *Christ: and* HE *shall reign for ever and ever!—King of kings, and Lord of lords!*

Blessing, and honour, and power, and glory, and might, be unto Him that sitteth upon the Throne!—and to the Lamb! for ever and ever! Amen! Amen!

SERMON XVI.

INTEGRITY.

GENESIS, chap. xxxix. part of verse 9.

"HOW CAN I DO THIS GREAT WICKEDNESS, AND SIN AGAINST GOD?"

INTEGRITY has been too often defamed, as the virtue of an *Atheist*, or as the offspring of *Rational Christianity*. And the cant of modern refinement has so corrupted the term in its principle and application, that it is time to rescue and vindicate its insulted character, to call it back, and place it again upon the altar of Religion.

Joseph—a *servant in bondage* to an Egyptian of high rank—solicited by his master's wife to commit a secret offence against him (but of the deepest criminality) in collusion with her—made answer in the words of my text.

It was *her interest*, and it was therefore *his indemnity*, that it would be a sin wrapt and buried in oblivion:—every intruder's eye averted—impunity ensured. Her ascendant over the husband is proved by his credulous faith in her simulated virtue: it offered additional honours to the favourite—additional confidence;— perhaps that freedom to which he was born.

It is true that he had recent and continued obligations to the master, who had lightened his fetters: It is true that he had been elevated by *his* good opinion from servitude into power:—but, though he mentioned these topicks, and was apprized of their weight, it was not as against the native impulse of his moral sense that he deprecated the sin, but as against the *God of judgements to come.* That flaming sword was present before him. That shield repelled the adversaries that assailed him—in the hopes — in the fears — in the passions that were interested. He was *firm:* and was (in the sequel of his life) as *blest* as He was *good.*

Had the first parents of man's devoted race addressed with equal effect the same, or a similar question, to the Tempter before *them*—or to *his* accomplices in their own hearts—*they* would not have been lost, and *we* should not have been commanded, by the Saviour of their offspring, to deprecate as a curse the insidious powers of that enemy to Paradise—more subtle in malevolence, when our state is the nearest in its resemblance to the felicity then abjured. *Ambition* was *their* perfidy—alas! how wide are its branches! how deep is the root!

We are told—that we are to *resist the tempter,* and that, *resisted,* he will take his flight; but *we* are *his* coadjutors; and he appears in the form that *our* predilections (known to *him* in the whisper of the heart) cannot fail to recommend. Here it is that *Religion alone* can save us from *ourselves.*

Never (be assured) will honesty be firm without religious faith. And *the pious awe that fears to offend* the universal presence of an all-seeing eye—is the only sure guardian against the attacks of *policy*, or *passion*—against *interest*, or *pleasure*—against *vanity*, or the *lust of power*.

Let us begin with *policy*, and the policy of *states*!

No part of the argument in defence of *our Religious* position can be substantiated with *fuller* evidence; and the *state of* the world, with all its *crooked* and *cruel* maxims, is among the *fatal proofs* which the God of order and good government has exhibited in the kingdoms of Men who would proudly rule without Him.

If we descend from *nations* to *individuals*, how *many* illustrations would history supply us with! nor are the *records of any* people *without particular* instances of a departure from the path of integrity, where the lustre of the object obscured the *steady* though *fainter* rays of honour and virtue.

Take, for instance, the well-known example of *Him* who enslaved his Country. The *school* of ambition in *these* our days *would furnish* many such. *He understood* and felt all the *beautiful* theories of her claim upon his attachment—the *majesty of her* senate, *the duties* of her *military* subject and *of her* citizen, were not lost upon *his* enlightened capacity, or the sentiments of his heart, at *the very moment* he crossed the river. But on the opposite side of that river stood the infernal spirit in arms, and upon his banners written *the conquest* of the world. Integrity

and benevolence were too light in the beam for such competitors.

When we hear, therefore, of *political* integrity, of *moral* worth, of *patriotic* virtue, let us give them *their due* weight in our estimation; but *let us be* assured *that some* motive may be found, *some* object may be *placed against* them; and however *for the moment* they may serve the purpose of public good, that nothing but Religion will lead their passions to their virtuous pursuits, nothing but being able to say upon all trying occasions, "How can I do this great wickedness, and sin against God?"

We come now to consider the import of our text in the more *common* and *private* concerns of life; and first in those cases where the hope of *concealing* the guilt is a fatal incentive to the act which is criminally self-interested. How often does the robber and thief calculate upon "*undivulged crimes**, *unwhipt of justice**?—But, alas! how many other secret offenders brave and affront in that secrecy itself, the Judge that numbers every hair of the head!—How many whisper to themselves, "*God hideth his face, and will never see it*"! *They* have *no Religion* that whisper thus:—but it *will* return, it has left them only for a time:—it *will* return, and it will undeceive them too late.

It has been said, that fear of betraying ourselves in sleep, or in a delirium, would make and keep us honest. It has been taught that *injury lost* the

* Shakespeare.

name, and was criminal *no more*—if it was *thoroughly secret*.

It was represented by some of the best Writers in the Pagan world as the most alarming of all perils to virtue, if, in a deep and sequestered wood, a rich traveller lay asleep, with his treasure at a little distance, which a thief could appropriate with facility and with a conviction that it would never be discovered—it was thought heroism in self-denial, almost above human, to abstain from such a theft.—Others have insisted that a *secret offence* was a palpable contradiction of terms;—that *no* offence *can* be secret; and that soon or late it will, and it must accuse itself. They describe an event that befell a courtier who pilfered a chamber clock at the moment it was close to the hour, and struck under his cloak; and many such follies (it must be admitted) persecute the dexterities of the knave. But thousands, alas, are unsuspected, though guiltiest offenders—till years, and perhaps ages, have honoured the tomb in which their ashes repose.

It has been said—that conspiracies are full of danger to the accomplices themselves; and that yet they are necessary to guilt. But the danger—in a temporal view—*merits* the hazard, and is thus opposed. Either all the confederates are pledges to one another by the common interest, or the leader has the rest at his feet. And numberless have been the artifices by which theft has been secreted, when *accomplices* have been leagued into the commission of it. What then shall be said when the offender is

alone? and how deep is the guilt which a single offender can *best* commit alone! *best* for his advantage—and *best* for his impunity! Take *murder* for an examplé! Alas! how often is he who contemplates that crime tempted thus—"I shall not only escape reproof; but my offence in the very nature of it will end with me; it will die with me, and my name will never be dishonoured; my children will never be visited by this brand upon *them.*"

Take inferior offences! "If I burn this paper found in a chest of my own deeds, and found by accident;—if I alter this one figure in a deed or a will never seen unless by me;—I am enriched, and I cannot be detected unless I choose to detect myself."

But Religion tells the one that the blood of *Abel cried unto* Heaven for vengeance; and the other that the *hand-writing* on the wall may appear against him in the very characters of his own falsification. We instance these two atrocious offences, to show that the worst of crimes may be committed under this fatal delusion, and thatthe whisper of impunity is in all cases the tempter's call to ruin.

A *worse* concealment is *now* to be examined. How many offences are concealed from *ourselves!* not that in truth we can ever thoroughly and finally accomplish that seduction of the reasoning power. The accuser within us *will* obtrude, and will never fall into a lethargic sleep, though he may have intervals of repose and forbearance. It is very often however the fact that we commit injustice, and *save appearances.* This was the conduct of Elizabeth

our Queen—politically judicious, but morally unjust —when she ascribed the execution of Mary to an error in the official channel of it.

Religion scorns every undue expedient which tampers with honour: and in Sacred Writ we find a poor orphan of Nineveh superior to the hope of profiting by such prevarication.

In every such case, to believe that God is *present*, is at once to dissipate the conception of imposture, before it ripens into *arrangement*, or even a settled purpose of the will.

In a celebrated Pagan Writer, we have the most invidious picture of the Divinity (but well described) in this alarming attribute, though it is a picture drawn with an impious view. "You impose upon us (he said) an everlasting Lord, whom we are to fear in the day, or in the night; for who but *must* fear a God who foresees every thing, who adverts to every point of human conduct, considers every man as under *His* care, and as interesting *Him*? There is not a *word*, there is not a *whisper*, there is not a *thought*, but *He* knows it."

Let Religion take up this picture! but let it add, that, although we *fear* Him, we *love* Him too; and that our fear itself is love and gratitude well understood: we thank and bless Him for this warning voice, which He gives in the explicit credentials of that sacred minister our *conscience:* it even disables the *wish* to conceal from the world; it suffers no concealment *from ourselves;* and, by *an acquaintance* with *God*, not only averts the mischief, but

reforms the will. It is therefore a safeguard for his creatures, that He should be "*about the path and* about *the bed*," an inquisitor of mercy into all our ways —to correct by gentle admonition—to alarm by just intimations of the peril—to save us in the end, by avenging at an early period the secret faults (which are *presumptuous offences* to Him)—and avenging them for our good, *lest* they should obtain dominion over us.

The result of our discussion therefore is, that he who would scorn to be an hypocrite, he who would banish all dissimulation and artifice from his heart, must realize the Divine presence in every action of his life. Man, he may—and, without this watchful guardian, probably will deceive—who sees no further than the outside: but when he feels that he cannot deceive God, whose eyes are in every place, who searcheth the hearts, and trieth the reins of the children of men;—Integrity then by its irrefragable support—she will tell him that the mask he wears will be pulled off, that the secret will be divulged, and the hidden works of darkness be brought to light. She will tell him, that the only preservative against vice (and which being laid aside, has deluged the earth with crimes) is the devout question of the heart, "How shall I commit this great wickedness, and sin against God?"

It would be almost endless, and might seem invidious, to pursue the complicated varieties of self-deceit and prevarication with men, through all the labyrinths of the heart; but we may touch *upon* some of them.

How often (alas!) do we hope to shelter ourselves in the adopted guilt of others!

Sometimes what is *called* honour equivocates by an assumed and counterfeited ignorance of the fact, which it cannot approve or defend.

Sometimes the urgency of the good proposed, either from the extent of it, or the necessity real or imagined, will make honour stoop to the act. What is the *gamester* but *this*? He begins a *dupe*—he ends a *knave*, either to redeem himself, or by a master-stroke to be revenged of his ill-fortune.

David was in his nature a "*Man after God's own heart*;" that is—he was upright and benevolent:—a good friend—a good king—and a good parent (for even his inordinate affection to his children was an amiable fault). The delicacy of his honour to *Saul*, his persecutor, enabled *him* to surmount the most *critical* peril that a generous mind ever encountered. *One stroke* of the sword would have led him to *peace* from the *tumult of battle* and conflict;—would have *raised him* to a kingdom from the *infamy of banishment* and flight.

He *rejected* the counsel—and cited no principles of *domestic affinity*—no *romantic* strains of courage—he appealed to his God and Judge. "*The Lord forbid*," said he, "*that I should do this thing unto my master, the Lord's anointed!*"

Had he thus remembered his Creator and the Supreme Avenger of guilt, when he looked from his roof upon his neighbour's wife, he would have persevered in this character of honour; but his passion

made a rebel mutiny within him against his better nature. He took her by *force*; and then, to make the injury secure, he murdered one of his ablest generals by a wicked artifice.

It happens too (which heightens the guilt) that he had himself been made—as far as intention could reach—the victim of a similar artifice, but which his courage had overcome; so that his own peril upon that occasion must have increased his natural antipathy to expedients like these. But the ruling impulse of the moment obliterated the record of his genuine sentiments and personal experience; it obliterated even the *piety* of his habits, which in general formed one of their peculiar features.

Sometimes men are unjust against their own feelings at the minute, but from the want of courage.

What is the sacred instance of *Pilate*? or what can better illustrate the inefficacy of irreligious honour?

Pilate was an honest man of *this world*:—In *him* the seed "*fell among thorns, and was choaked*" by temporal cares. He was a *disinterested* Judge; and the Jews made no attempts to corrupt *him*, though with *Judas* they had so dealt. He was composed and firm in his temper against the seditious arrogance of a multitude inflamed. He was (to a certain extent) even *religious*; for he washed his hands in a solemn lustration, to expiate his offence, by an appeal against the force put upon him. It was *probity* that induced him to attempt a thousand expedients, by which the injustice obtruded upon

him should be averted and repelled. It was *integrity* that made him offer to delegate the cause into *other* hands, into those of a King, his enemy and competitor. It was *honour* that made him so often address the multitude in favour of the accused, and even to declare that "*he found no fault in him.*" But he had an office of power and wealth to *keep*, or to *lose*. The names of *Cæsar* and *King*—of *rebellion*—of *state necessity* (the Tyrant's plea), overcame his mind and spirit. The fatal mandates of Tiberius, and the Isle of Caprea, to which he often banished his victims, appeared in battle-array against his virtue:—they converted *this man of honour*, into a political dissembler, and a judicial tyrant.

But a thousand more are the conflicts in which purity of heart, uncorrupted, and perhaps incorruptible by political interest, is endangered, unless the mind is elevated above itself by supernatural aid. "*I am straightened on every side!*" exclaimed Susanna. The Elders were powerful magistrates; the husband was *honoured* as well as rich; the fame of her delicacy was eminent: but THIS was *her* comfort and her hope (I give it in her own immortal words), "*It is better to fall into* YOUR *hands, than to sin in the sight of* THE LORD." Her God was present; she lifted her voice to Heaven, and cried, "*Oh, everlasting God!* THOU *knowest the secrets;*" and she made the appeal of her innocence to *Him*. She was *heard*, and the miraculous interposition of *Daniel's* wisdom redeemed her from *infamy* as well as death.

Sometimes the *immediate presence* of the tempting prize corrupts the heart, when, if at a *distance*, it would have produced no such effect.

A series of calamity, *embittering* the *temper*, does not *spare* the *heart*: out of misanthropy thus generated, springs universal malevolence and vindictive resentment against every human creature. *These* end in *tyranny*, in *cruelties*, in *plunder* and *rapine*, *torture*, and the most *unlimited oppression*.

Sometimes the *unforeseen* arrival of misfortune, and the *surprize* of it, endangers virtue. "*Curse God, and die!*" (said the Tempter to Job, through his wife); and though he *rebukes her*, yet many of his own complaints are impious, till God corrects and reforms him.

In the result, but *so* enlightened, he overcomes not only the surprize, but the accumulated series of unparalleled sufferings, by a degree of patience that has rendered his name proverbially synonymous to the virtue itself. *Religion alone*, elevated and sustained his integrity.

Of all temptations, however, to dishonour, *that* is the most formidable, which owes its birth to an habitual passion of the mind, preceding the impulse that opportunity gives.

The foible most prevalent of each individual character can seldom escape:—aware of it ourselves, perhaps we *cannot* overcome it. We have, it is true, perfect liberty of choice; but we have two natures; there is no due equilibrium between them:

both of them elect, and the good or evil genius preponderates by turns.

But, alas! the *world* also is in fault; it corrupts the *intellect*, as well as the heart.

Self-conceit, and *false courage*, a *vicious tenderness*, *facility of imagination*, the *influence* of *exterior manners*, *grace of person*, but oftener still a *winning*, if not *insinuating expression* of *countenance* (oh, what an army of tempters here!) *the song*, *the dance*, *theatrical scenery*, *public assemblies*, *banquets*, *games of hazard* or of *skill*, *gallantry* in the least exceptionable sense of the term! These are steps and confines of *innocence* or of *guilt*; but at the best they are critically dangerous in this great Metropolis to *youthful* spirits. It will at least be owned, that Virtue here will have an arduous conflict. Can it be said, that she will *never* be discomfited? In this *tainted air*, will she never lose her purity? Will she never taste *forbidden fruit* in this earthly *paradise*. Will the *soul* (ætherial as it is, but united also to a frail and mortal substance)—will it *never* sink under the weight? *never* feel the *imbecility* of its companion?

We declaim against *avarice*, against *usury*: but self-interest, and a vigilant eye to all its legitimate benefits, are indispensable to what is called *prudence* in the use of this world.

We reprobate *ambition* and *pride*: but we admit, and we insist that we *should* assert and vindicate, all our titles to respect; that we should even *solicit* promotion, but without making it appear that we

are servile in homage to those who are able to confer honour and wealth.

We declaim against *revenge*: but we dissuade *forgiveness of an insult*, and represent the *jealousy of honour* as the *noblest inheritance*.

We deprecate all *virulent* and *idle* calumnies: but *ridicule* and *satire* (if it is *ingenious* and *lively*) we commend as an *accomplishment*.

Who then, alas! can punctiliously adhere to boundaries like these? Who can say to the *fire*, "*burn the wood*, but *spare* the *boughs*?" to the *water*, "*overflow* the *valley*, but spare the *plain*?" or who to the passions, "*here let your proud waves be curbed, and be at rest*?"

God is ever present; and there is a *future state*, in which every dishonest *act*, *word*, or thought, will be examined and punished. In the current of *this* world, offence may escape from, or push by, the hand of *Justice*; or, in the very nature of the guilt, "*buy out the Law*;" but it is not so in *Heaven*: *there* we have a naked soul, that will appear as it is.

An argument like this, which the Religion of Christ whispers to every man, can save him best from the emissaries of the *tempting* and *lying* spirit around him. There is no better support of honesty than *moral truth*; but where can it ever be found, unless in a *religious* and *Christian* spirit?

Here, we can look with grateful delight at the Evangelist, whose Anniversary we now commemorate. Mark the uninspired Historian, and you will

find that *he* has a *party*, or a *favourite hero*, or some principle, or some opinion, which his report is to confirm. A vein of partiality for his object pervades the whole work; and though it is more subtle in some than in others, it seldom can escape *detection*. But this *holy Writer* has internal marks of Divinity in the undeviating homage which he pays, without fear, to the altar of Truth. He has an interest at stake in the *universal reception* of his *faith*. It is an interest of *benevolence* and *religion*. If therefore *pious frauds* (as they are sometimes IMPIOUSLY *called*) could *ever* admit of softening colours in historical description of *men*, or *events*—it might seem to admit of them *here*. But the cause of *truth* never demands any such aid; and the cause of *religious truth* is polluted by the acquisition of subsidiary forces like these.

We have, therefore, in every Evangelist, and perhaps the most eminently in *St. Luke*, prominent and irresistible proofs of a sincere determination to say nothing *false*, to omit nothing which is *true*. *He* marks the *infidelity* of the *Disciples themselves*, upon the *resurrection of their Master*; their incredulity, but upon well-authenticated reports; and last, upon *ocular* proof, accompanied by the sense of the *touch*. He relates the *agony of Jesus* in the *garden*;—all the ignominies of his fate, the simplicity of his life, and the meekness of his temper; the *perfidy* of *Judas*; the *cowardice* of *Peter*; and the *contempt* of the world for *Him* that was to be the *Saviour* of it.

He is, therefore, (independent of the subject) a Model of historical accuracy and candour: but, if he had written upon other subjects, or without immediate help from the Guide of his pen, he would have written, like other men, with partial colours, to support at any hazard his *theory* with his *facts*.

May we imitate his example in our dealings with God, and with men! Let us, in every fact that we relate, suffer no interest upon earth to form the report; but let us consider (with or without the form of an oath) how sacred is the appeal we make to the God of Truth, in all that we assert! and let us prove the integrity of a *religious faith*, by that of a *religious life!* assured that *honour* is a *name*, and visionary as a morning's dream, till a sense of hopes and fears, in a future state of celestial judgement, adapts the character and spirit of the *man*, to those of the *Believer* and *Christian*. Amen!

SERMON XVII.

JOHN, chap. viii. verse 34.

"WHOSOEVER COMMITTETH SIN, IS THE SERVANT OF SIN."

Is he a Lord and a Ruler of men that are free, who cannot govern his own passions? Let him controul his appetites; let him elevate his mind above the degrading pleasures of the world. Let him discipline his anger, let him stifle his avarice, let him repel the other upstart invaders of his natural freedom. *Then* let him command, when he no longer obeys those worthless masters, Dishonour and Shame.—While he continues to obey *them*, he cannot even possess *freedom*, and much less entitle himself to dominion. The wise and the good alone are free. What is liberty? it is the power of acting as the will directs. But who can so act, unless he performs his duty well; follows what is right, and prepares the way for himself—unless he obeys the Law, not through fear, but cultivating it, because he knows and feels that it is good for his own, as well as the public interest—unless his word, act, and thought, are his own, stamped with ingenuous freedom, and the offspring of independent will. He alone is free, to whom Fortune herself is obedient. Of the wise and the good alone it can be said, that

nothing is done by *them* against their will, or painfully, or by force. The wicked are slaves, not by compact, or force of man over men, but from the nature of servitude; for what is it but the obedience of a mind broke down, abject, and with no right of choosing for itself? And what are the wicked? can they be ever more at large, upon those principles of servitude, than a born, a conquered, a purchased slave?

Are those free, who are governed by an imperious dominion of the other sex? who can refuse nothing to their favourite, who give all that is demanded, come when they are called, go when they are banished, and shudder at a menace? Are those free, who are enslaved by pictures and statues, by music and architecture, by antiquities, or new discoveries in taste,—amusements of children converted into fetters of men? Is there any doubt that he is a servant, who flatters to obtain the inheritance, who watches the nod of the old and the rich?

Even the desire which is more liberal, of honour, of sway, and of territory, what is it but a master hard, imperious, and vehement? Above all, what is the conscience of guilt, but slavery to a tyrant?—Is not all fear servile, and *can* the dishonest be ever exempted from it?

Such and so enlightened were the moral theories of Greece and Rome. Nothing was more beautiful, but nothing more upon the surface, or less rooted in the habit. Rhetorick improved upon the Philosopher's lecture, and the academical porticos echoed these

high-flown sentiments. The Senate and the Forum dropped them as too visionary; and the passions never heard them but for a moment in public, or by themselves, abroad or at home. The most eloquent Moralist of the world calls it a paradox, and rather plays with it as an exercise of ingenuity, than impresses it upon the heart.

But was it so that our blessed Lord adopted this morality into the Book of Life? I have upon a former occasion observed, that, if he had only improved, as he has done, the ancient morality of the world, he must have been the Son of God.

The words of my text are a part of his conference with some of the Jews. He told such of them as believed in Him, by what expedient they might become his *disciples* indeed—by continuing in his word—that is, not in belief alone, but in conformity of manners and of actions—"ye shall know the truth, and the truth shall set you free." They misconceived Him, and were piqued as at the imputation of political servitude. We, said they, were never in bondage to any man; how sayest thou, ye shall be made free? To undeceive them, he supposes them, for argument sake, though it was nothing like the fact, as independent as they could pretend, imagine, or wish—and then he says, Verily I say unto you whosoever committeth sin, is the servant of sin.

Sin, or the guilt of habit, is represented in Scripture as a tyrant—the Sinner, as a captive and a vassal to the impulse that reigns in him, exercises dominion, enslaves him. "Know ye not," says

the Apostle, "that whom ye are servants to obey, his servants ye are to whom ye obey, whether of sin unto death, or of obedience unto life?"

Obey we must; but the laws of goodness and virtue are the rules of liberty. Those of sin are chains and fetters; but they are worse, they are scourges and thorns of the mind.

The *natural* freedom which constitutes the moral agency of man is never lost, whatever sins he may commit. If it were, sin would convert the accountable soul into a passive machine. The liberty that is, or may be lost, is, if I may use that expression, the moral freedom—the will has a new weight thrown upon it, the temptation is more and more prevalent—choice becomes embarassed, habit rides over nature, and at last a moral incapacity of self-dominion bars the door to virtue.

Nothing is more powerful than custom. In mechanism, it gives a readiness and facility, which nothing else can attain. In the works of the mind, it leaves impressions that observe a due proportion to its continuance. The act is repeated, the habit is formed, and inclination becomes nature. The mind is insensibly engaged, and the faculties are led. But sinful habits are the most imperious. Can the Æthiopian or leopard change their hue?—then may ye also do good that are accustomed to do evil. Here too, alas! a corrupt nature is in league with a corrupt habit; we move not only in a deep and slippery descent, but it is a beaten track which makes it the more difficult either to return, or stop, and look round us.

But this, alas! even this, bad as it is, neither is all that is bad, nor the worst part of it—for here the dominion operates before the habit is ripened—at the very instant of committing sin the service and captivity are begun. The first obedience to the Tempter is a violation of moral freedom, which is an exemption from all influence that a moral judgement and reason disapprove. We are, therefore, deeply and perhaps fatally wounded at the very first, or at least entangled in a very intricate net. We alienate and surrender our minds;—a fixed power, and the undeviating purpose, to pursue the dictates of reason form the perfection of a moral agent. Reason, if it resides in us at all, must from its nature be supreme. The animal appetites and affections were made upon different principles, to be governed and led.

When the order is inverted, confusion is let in—the man is captive, and his own servants become the tyrants over him.

How unbecoming, dishonourable, and mean, is the tyranny here described! how unworthy of a rational, of an immortal spirit! It is to serve deformity and pollution, dishonour and corruption; the root of mischief, and the desolation of that beauty which Heaven spread over the world—it is to serve the enemy of God and man—it is to abandon the sublimest of all powers and capacities, to debase our glory, and lay our honour in the dust—it is to unmake ourselves, whom the Parent of good had formed a little, and *but* a little, inferior to the Angels.

What is more dignified than to keep order within us? He that ruleth his own spirit, is better than he who taketh a city. Those who enter that city in triumph are themselves under a yoke of tyrannous humours, and chained at the wheel of some victorious passion. In your own bosoms how savage are the rioters, how imperious the mutiny of the rebels!

But is it only dishonourable servitude? is it not painful and persecuting? Farewell to all peace of mind for that moment, and for ever. Besides the *pill of bitterness* in the cup that cannot be refused, the servant of sin disquiets himself in vain—he is tost, and reels, and at his wits end—a wandering meteor leads him to unfrequented places, till he has lost his way, and cannot return, or proceed. One tyrant succeeds another, and the new perils are the worst—the task is never done, he has no respite, he never can tell or guess what the master appetite of the next minute will or will not let him do. He is often distracted between opposite passions, between ambition or indolence, avarice or luxury. Unable to compromise or elude the rival conflict, we hate in the abstract all ideas of tyranny, and yet we more than suffer, we cherish, we invite, we make these domestic tyrants, we put the rod of iron into their hands. The *passions* are waves and convulsions of the mind —they pervert its faculties, fetter its liberty, and make all its comforts precarious.

But is it a servitude only dishonourable and painful? Is it not in the same degree unprofitable and

pernicious? Let the balance of the account be fairly adjusted; on the side of his credit or gain, mere cyphers, a few broken pleasures, or shadows of pleasure, that vanish as a morning cloud, or as the early dew passeth away—superficial and false. On the other, and fearful side, what is it that he owes, what is it that he has lost? health, liberty, his credit, and his repose; all his comfort in this world, and every hope in the next. Other services, like that of Jacob for Rachael, have a limited period; but here the longer we are led, the lighter is the chain, and liberty is more distant than ever—the mind is a disabled ship, at the mercy of the winds and the waves! * * * * *

SERMON XVIII.

EXODUS, chap. xx. verse 15.

"THOU SHALT NOT STEAL!"

Addressing ourselves in a Church to those who, by *rank*, or *birth*, or *education*, or *character*, have risen above the *common level*—and producing such a passage as *this* for our theme—at the *first* view of it, we may possibly *offend*. It may be said, "are *we* so *very* low in the estimation of our Preacher, as to want (for *our* amendment) a Discourse against THEFT?—*can* he *really* think us in danger of trespassing upon the *Eighth Commandment*?—and are THIEVES a part of *his* audience?"

Let me only be *heard;* and I shall not fear the *imputation* couched in these *angry words*, if they *should* be whispered against me.

The *Commandments* are framed in *terms* very *concise:* but the *import* is *wider;* and *more* is evidently *meant* than meets the *literal* sense of the *words.*

"*Thou shalt not* STEAL!" *Can* those who are at all *enlightened* in their comments upon Scripture, or in the analogy and reason of its general view, entertain a *doubt* that in these words are prohibited all manner of *injustice* and *wrong*—whatever is against *Law (Divine* or *Human),* against *Religion* or *Benevolence,* if it *affects* our Neighbour's PROPERTY?

Follow this idea but a little way! and we shall find that many of US, who are shocked at the *word,* are familiar to the *offence,* and *guilty* of it.

To ROB is *theft:*—and it is not *less injurious* because it is *violent,* and puts the robbed in *fear.*

There is *fear* and *shame* (two guardians of human virtue) in those who are *secret pilferers,* and who are not *hardened* enough to offer *open* wrong, or *avow* their injustice at the moment of committing it, as the *robber* does.

"But *robbery* also you *detest* as much as *theft!*" It is true, that in *private* individuals, and in *minute* instances, it *is* a *dishonourable* vice, and of *ill repute:* but *is* it *so* thought in points of *greater moment,* and where it is *worse?*

To *rifle* a *whole Province,* becomes an *exploit*—when to *rifle* a *single house* is a *capital offence:*

and the invasion of a *Kingdom*, though founded in *wrong*, or accompanied with *cruelty*, borrows its name from the *event*: if it be *successful*, it is called *victory*, or *triumph*, or a POLITICAL *advantage*.

"But this (it may be said) is in the other extreme, and is guilt ABOVE *our* level"—as "THEFT is BELOW it." Happy let us continue to be in being thus *below* offences like these; but we should be happier still, if against *other* transgressions, and even of *this very* Commandment, we should be as *well* secured.

For what shall we say of OPPRESSION? or, in other words, of *encroachments* by the *rich*, upon the *inferior* acquisitions of the *poor*?

Alas! *who* will not lean to his *own* interest, when *reason alone* can oppose him? WHO will restrain his *own* power, when he cannot be *resisted* with *effect*? *Where* is the advocate *against himself*, and in favour of all that have *claims* upon him? WHO looks at his *own* cause with as philosophical an eye as at any other?—*overlooking self-interest* in the estimate of his *own* right—or in the right of *another*, his inability of maintaining it? WHO can be opposed by *inferiors*, and feel *no resentment*? be *gentle*, where he *may* be *insolent*? and lay *no hardships* where they *must* be *endured*?—offer *no insults* where they *cannot* be returned?

This character, it will be owned, is not very common; for, as the Apostle interrogates, "*do not rich men draw* YOU *before the* JUDGEMENT SEAT?" The benefit of Law cannot easily be obtained—those who *will* have Justice, *must* pay for it.

When *the rich*, aware of this difficulty, withhold a right from the *poor* under the *colour* of its reference to Law—they ROB.

When, protected by their own *greatness*, or by immunities (meant for a better use), they *refuse*, or *delay* to comply with, equitable obligations, they STEAL.

If Magistrates *pervert*, *refuse*, or *delay* Justice—if they *sell* it, if they *load* it with *expence* or *difficulties*—it becomes an *aggravated injustice*; it is *breach of trust*; it is a robbery committed upon the *Ward* by his *Guardian*.

Such acts of oppression are named in this place, and at this time, because they are *apposite* (in a *general* view) to the subject; and because they are discountenanced here by the surest of all precepts—an *example* of *opposite virtues*.

But there exist *other* abuses of power, which are of *less importance* when taken *by themselves*, but whose *number* makes up what is absent in *weight*.

When our *superiority* is *abused*, when our own *little greatness* can support us in doing wrong of any kind, we commit the accumulated offence of *dishonesty* and *oppression*:—when advantage is taken of *distress* or of *necessities*, we add *cruelty* in the account against ourselves.

A man can even be guilty of *cruel injustice* when he demands *no more* than *his own*. If the unfeeling creditor should require only *his debt*, but in a moment which, though *legal*, is not *just*—or in a *harsh* and *oppressive* manner:—if his design be

not *security*, but the *ruin* of his *debtor* (considered as one of his *adversaries)*, that creditor is a most injurious oppressor (unless the injury can be *lighter* because it is *revenge* instead of *avarice)*. To such a person is the parable addressed: "*Oh, thou wicked servant! I forgave* THEE *all the debt because thou desiredst me—shouldst not thou also have had compassion on thy fellow-servant, even as I had compassion upon thee?*"

Here, that great maxim, founded in the eternal reason of things, as well as in the Gospel, and the universal benefit of us all, should be the rule of practice, "*Whatsoever ye would that men should do unto you, even* so *do unto them!*"

"*A false balance* (we are told) *is an abomination of the Lord; but a just balance, his delight.*" He abominates, therefore, *deceit in traffick* of any kind; *extortion* (the worst of theft), or encouragement of it in others; the neglect of paying debts that are just, and the *wages* of the *poor withheld*. "*Woe unto him* (said Job) *that buildeth his house by unrighteousness, and his chambers by wrong! that useth his neighbour's service without wages, and giveth him not for his work!*"

Breach of trust is another, but often a more *secret* theft; and a *double injustice* for *that reason*. Would that all, in this point of morality, as in every other, would beware of the *first* injustice, though in a point of *little* consequence *in itself!*

Resolution should ever, in these cases, accompany *penitence*. We should avoid the *temptation*

to every guilt. He that wishes to be honest, must avoid *idleness*, and *support himself*:—"*let him that stole, steal no more!—but rather let him* LABOUR!"

It is, in *Christian* purity, a *sort* of *theft*, or *fraud*, if *charity* is *withheld* from the *poor*.

"*Withhold not good from them to whom it is* DUE, *when it is in the power of thy hand* TO GIVE."

"THEY *cannot recompense thee; but thou shalt be recompensed at the* RESURRECTION."

SERMON XIX.

ON THE CHARACTER OF JONATHAN.

What an interesting character *Scripture* has given us of this youth!—How dramatic is the figure! and how picturesque its effect on the scene!

Joseph alone excepted—(whose adventures and portrait are by some considered as veiling allegorical mysteries)—*He* is the most amiable and the most engaging, as well as heroic Prince (in the best of all heroism, which is that of the heart), who is to be found in Holy Writ, or in the annals of the world.

His *life*—(imperfect as *our* traces and skirts of it are)—though brilliant and striking as far as they extend—is that of an Angel descending from the bosom of his God into all the human virtues and graces of moral duty and social affection.

There is another part of his conduct, and of his mind, very little noted hitherto, but of more weight than all the rest, as well as more elevated—I mean his powerful *sagacity*, which (not *otherwise* inspired) enabled *him* to discern (in the mind's vision) a future *King of Israel*, stamped upon a peasant's younger son, the persecuted outcast of its realm, though saved by *him*.

This, like all the rest of the picture, is rather *hinted* with historical simplicity, than pressed with aim at an effect: Such indeed is the *general* colour of all narrative in *Scripture*, and it forms one of its (ten thousand) beauties.

He is mentioned first, as overcoming, with a detachment of a thousand men, a garrison of the *Philistines*. This only marks that he was accredited as a good officer, and that his father's confidence in him was just, though he was a boy in age. It was a conquest, however, that *began* the war against a numerous army with spirit and effect.

But the next we hear of him is a conduct of unexampled address and courage, animated by a generous patriotism, but cheered by a faith in the *Arm unseen*, which (as *he* observes himself) "*has no restraint*" (of numbers), and "*saves*" (alike) "*with many or few*."

Saul had blown his trumpet through the land, reporting this victory of *Jonathan*, and saying, "*Let the Hebrews hear*." The *Philistines* were apprised of *their* defeat—they abominated *Israel*, and "*gathered themselves together as the sands*

upon the shore." They had besides the multitude (so described) "*thirty thousand chariots and six thousand horsemen.*"

The *Israelites* were distressed—the disparity of numbers terrified them, and their fear had *this* effect: They *hid themselves in caves, thickets, rocks,* or *high places.*

Their King, *Saul,* was *in Gilgal,* and the people "*followed him trembling*" (that is, the few that came forward *at all*).

But even these were *scattered from home,* by the effect of a timid superstition (the character of the age), because he had remained there *seven days,* and *Samuel* had not come according to his own appointment, as it had been understood by *Saul* (though it seems to have admitted of a different interpretation).

He had offended Heaven by the sacrifice of a burnt-offering *himself,* instead of reserving it for *Samuel.*

He had been reproved by this Prophet, and had even been warned "*that his Kingdom should not continue.*"

From *Gilgal* he had removed, accompanied by *Jonathan,* to *Gibeah of Benjamin,* where he had numbered his people, and they were only *six hundred men.*

The *Philistines* came out, and were garrisoned in great force against them.

At this time *Saul* was in the remotest part of *Gibeah,* and with him his little remnant of six hundred men.

Jonathan, who alone, except his father, had a sword and spear (for the rest of the army had none), said unto "the young man who bore his armour, Let *us* go over to the *Philistines* on the other side." "But he told not his father," and it was not suspected by others.

He animated the armour-bearer by these words, "It *may* be that the Lord will work for us—there is *no restraint upon him* to save us *with many or few.*"

They go forth; and it is concerted between them to remain where they are, and covered by a rock on *their* side of the passage; unless, on shewing themselves to the *Philistines*, they are invited upwards to the rock on the other side.

They appear, and are taken for some of the fugitives who had secreted themselves in rocks, many of whom had perhaps been deserters to the enemy's garrison. "*Come up*," said the men of the garrison.

Thus invited, the two young men, climbing upon their hands and upon their feet, *slew, between them, twenty men.*

The effect of the *surprize* threw the *Philistines* into a *panic* and *frenzy*. They "*melted away*," fighting and killing one another.

This, at first, not being understood by *Saul*, upon the report of his watchmen, and fearing, perhaps, that a battle had been provoked, by the indiscretion of some who formed his little army, he numbered them again. The absence of *Jonathan* was then discovered.

The King (with his inseparable character of dull superstition, always timid and weak) prepared a sacrifice, and sent for the ark of the Lord.

But even *his* eyes were opened after a time, and he went into the battle with his little army.

It was almost immediately increased by *Israelites* who had formed a part of the *Philistine* host (but left them in this extremity), and by those who *had hid themselves in Mount Ephraim.*—" *So the Lord saved Israel.*"

Thus far we distinguish a very high-spirited officer, able, zealous, and of signal use to his country, as well as to his Father and King, at a moment of their imminent peril, as well as extreme dejection.

But *this* character fades before us, in comparison to *other* instances of heroism, in a much nobler view of it.

Saul, as cruel as he was timid in superstition, who was in power and in will a tyrant, had bound the people, by a *curse,* to eat no food that whole day till the evening.

Jonathan, with some of his men, was returning from the battle; and they passed a wood, in which they found honey upon the earth.

They were *faint;* but no man touched the honey, because he feared the oath.

Jonathan, who had never heard of this oath, dipped the end of his rod in the honey, and was refreshed; or, as the Historian expresses it, " *his eyes were enlightened!*"

He was then told of the oath.—His goodness of heart, and strength of intellect, as well as public spirit, revolted at the impolicy and cruelty of this interdict. He entered a manly and well-reasoned protest against this improvident anathema.

"My Father (said he) *hath troubled the land.*—See, I pray you, how mine eyes have been enlightened because I tasted a little of this honey.

"How much more, if haply the people had eaten freely this day of the spoil of their enemies, for, had there not been a much greater slaughter amongst the *Philistines*?"

This well-timed expostulation produced its natural effect.—It animated the men.—They pursued, and again smote the *Philistines:* flew upon the sheep, oxen, and calves; then slew and eat them, but so as to make *their blood* a part of that which they eat.

A report was made of this offence, which appears to have consisted in the disobedience to a part of the *Mosaic* Ritual.

His Father, when he should have pursued—after a series of degrading superstitions, which tie up his hands, calls *Jonathan* before him; and having previously said, that whoever had "*sinned*" should perish, interrogates the *culprit Hero,* who confesses "*that he tasted the honey*" (though it was not in opposition to the *curse,* but in perfect ignorance of the fact).

Here the native modesty of his character (dignified as it was by his talents and merits) prompted his deportment.

Of his valour and services he said not a word; nor did he on the other hand so degrade himself as to *alledge* his ignorance of the fact, because in his heart he despised the superstition as well as the iniquity menaced.

"I did but taste (he said) a little honey with the end of the rod that was in my hand—And lo! I must die!"

To death he is doomed by the King;—but the people save him by an act of popular energy, the noblest imaginable.

"Shall *Jonathan* die" (they ask the King), "who hath so mightily delivered *Israel*?—God forbid!—As the Lord liveth, not one hair of his head shall fall." They rescue and save his life.

Here one sees a contrast between two characters put into very similar situations: those of *Absalom* and *Jonathan*. The popularity of the first allures *him* into rebellion. That of the second at no period ever shook him either as a Subject or a Son.

But now comes the miracle of his life, and of his heart. Hitherto we have seen him bearing and sustaining his own popularity with temper and reserve; but a more difficult labour is before him, and it is almost above human conception of the best heroism that ever graced a man to see *his* conduct under it.

He is present just after the miracle of *David's* conquest over *Goliah*.

David is a youth obscure in birth, but who (it might be *said)* has, *by accident* (engrafted upon a

zealous faith) at once made himself the hero and pride of all *Israel.*

David appears before *Saul: Goliah's* head in his hands:—No less modest than he had been valiant; instead of boasting, he gives not a hint of his enterprize, but (in answer to a cold enquiry) says to the King, "*I am the son of thy servant Jesse the Bethlemite.*"—*Jonathan* is present.

Read the words! and cry aloud for the moral picture!—It breathes and glows.—There is not a more pathetic image in *Scripture* itself.

"And when he had made an end of speaking, *the soul of Jonathan was knit with the soul of David, and Jonathan loved him as his own soul.*"

The impulse was electrical; but it was not less animated by Religion, than it was noble and generous.

No drama has ever produced better stage effect than results from the sequel in this arduous conflict of his attachments, between a jealous tyrant, his father, and a persecuted hero, the son's friend;—whom he continues to emulate, without envy, and whom he loves; though he had not only supplanted *his* renown, but had shaken his father's throne: yet loves him without a single act of dishonour to the parent, military, political, or personal.

Pictures crowd upon us here:—he takes the peasant youth aside, and makes a covenant of eternal friendship with him: strips *himself* both of his armour and of his robe, to invest *him* with each of them, "*because he loved him as his own soul:*"—a covenant which, as the sequel proves, binds him to

no league that is not reconcileable to the most inflexible honour, as the Subject and presumptive Heir to his Father's crown.

At a later period, *Saul*, wishing to kill *David*, calls upon *Jonathan*, his favourite son, to rid him of this popular upstart, as *he* represents him (so likely to dethrone them both), *by killing him.*— Here is another *picture!*

Jonathan first gives the alarm to his friend, and advises him to secrete himself.

But in the mean time, with heroism of generous attachment, and with a dignified admonition to a Regal Parent (but a direct and proud advocate of his friend), he addresses him thus, in the most eloquent language:

"Let not the King (said he) *sin* against his servant! *against David!*

"For *he* hath not sinned against thee; his *works* have to thee been *good.*

"He put his life in danger, slew the *Philistine*, and wrought salvation for all Israel."

He reminds the King "that *he* had *seen* it, and had *then rejoiced.*

"*Wherefore*, then, wilt thou *sin* against *innocent* blood; and slay *without a cause!*"

This bold and high-spirited appeal had an immediate (though superficial and fugitive) ascendant over a depraved spirit.

"*Saul* hearkened unto his words, and *swore*, that *as the Lord lived*, his friend's life should be saved."

This incident marks the influence of a mild and well-disciplined spirit, over a turbulent and superstitious character.

It renders the conduct of this youthful Prince, at every new step, more and more amiable, in proportion to his *power* over this competitor, and his *personal interest* against *his* aggrandisement.

He again produces *David*, and places him before his father.

Saul again persecutes him; and a meeting takes place between the two friends, which no episode ever surpassed.

"What have I done?" says *David* (who is always great in his adversities)—"what is mine iniquity before thy father, that he seeketh my life? And *Jonathan* said unto him,

"*God forbid!* Thou shalt not die.

"Behold my father will do nothing, great or small, but he will shew *it me*; and why should my father hide this from me? *He will not do it.*

"Then *David* swore, and said, Thy father knoweth that I found favour in thy sight; therefore he thinketh *Jonathan* shall not know it, lest he be sorry.

"But *indeed*, as the Lord liveth, between death and me, there is but *one step.*

"Then said *Jonathan* to *David*, Whatsoever thy soul requireth, even *that* will I do.

"And *David* said unto *Jonathan*, To-morrow is the first of the month, and I *should* sit with the King at meat; but let me go, that I may hide myself in the fields!

"If thy father make mention of me—say, *David* asked leave of me that he might go to his own city. There is a sacrifice for his family."

"And if he say thus—*It is well:* thy servant shall have peace; but if he be angry with me, be sure that wickedness is concluded of him.

"So shalt thou shew thy mercy unto *thy servant;* for thou hast joined me in a covenant between thee and me. (Observe the dignity and the address of the following words!) If there be in me iniquity, *kill me thyself*:—But why shouldest thou bring me to thy father?'

"And *Jonathan* answered, God keep that from thee!

"If I knew that wickedness were concluded of my father, *would not I tell it thee?*"

He then promises to give him timely notice of the result. And mark his words! they are (to my conception) traits of character inimitable.

David, with his accustomed prudence, had made *Jonathan* promise and *swear* to *him;* but his friend (though he foresees that he shall be in *David's* power) answers him thus:

"I require nothing of thee whilst I live; for I doubt not thou wilt shew me the *mercy of the Lord.* But that thou cut not off thy mercy from mine house for ever: no—not when the Lord hath destroyed the enemies of *David*—every one from the earth."

David makes no reply: but *Jonathan swears again* to *him.* They agree upon the signal. *Jona-*

than says (with solemn dignity), "*Be the Lord between thee and me for ever.*" They part.

Here let us pause!—What *character* is in this dialogue! an attentive and shrewd sagacity in *David*, with manners and with address—the open simplicity of an honest and great mind in *Jonathan*; but armed with redoubled faith in God's elect.

The feast is held.

Saul, missing *David*, interrogates *Jonathan*, with a bitter sneer, what is become of him. In the very *form* of this question is couched an *insult* (one of those masterly touches familiar to *Shakespeare!*)

"Wherefore cometh *not the son of Jesse?* neither yesterday nor to-day?" (He is called the *son of Jesse* to degrade him as of peasant's birth.)

Jonathan tells the concerted fiction, by which he takes it upon his own head.

Saul (evidently doubting him) begins to revile him. "Then was *Saul* angry with *Jonathan*."

"Thou son of the rebellious woman!" (are his words) "Do not I *know* that thou hast *chosen* the *son of Jesse* to thy confusion, and the shame of thy mother?

"For as long as the *son of Jesse* liveth upon the earth, *thou* shalt not be established, nor *thy* kingdom.

"Wherefore now send and fetch him unto me, *for he shall surely die.*"

His answer is worthy of *Sparta's* heroes: every word goes to the heart.—"*Wherefore shall he die? What hath he done?*"

The father, in a rage of jealousy and pride, throws a dart at *Jonathan*, who escapes from it.

Now follows a beautiful passage in this hero's life, and which combines the delicacy of his two attachments.

" *So Jonathan* arose from the table, and *did eat no meat.*—He *was sorry for David.*—*And his father had reviled him.*"

He goes to *David*—he gives the signal.—They meet.

Here is a *picture* again!—" *David* fell upon the earth, and bowed himself three times.—They kissed one another, and wept."

They renew the covenant, and they part.

Here again is an exquisite beauty of character.

It is *Jonathan*, who, *unsolicited*, binds himself again *to comfort his friend*:—" Go," said he, " in peace. Let the oath between thee and me stand for ever!"

Saul persecutes *David* again; and we are sure to find *Jonathan*, at every turn, as princely-hearted as ever.

David is concealed in a wood; *he* visits him there, and " *comforts him in God.*"

He addresses him in words above all *Greek* and *Roman* fame.

He dethrones his father and himself in a kind of prophetic vision, which assumes an air of dignity half inspired.—" Fear not! The hand of my father *shall not* find thee.

" *And thou shalt be King over Israel, and I shall be* next unto thee. *And my father knoweth it.*"

Their covenant is renewed.—Of *Jonathan* we hear no more, till he dies nobly in defence of his father *against* the *Philistines;* and against their *new* ally—*David himself!*

David is a hero of this world; *Jonathan's* heroism is above it.

The celebrated lamentation over *Saul* and *Jonathan* was never a favourite of mine; it is either too cold or too poetical and flowery. It wants tenderness, but it wants truth; and unites the best of men to the worst. *This,* however, appears in it, that even *David* commends the father and the son for their inseparable union, though at heart, and upon the grounds of religious faith, *Jonathan* had preferred the cause of his friend.

One feels a melancholy solicitude for the offspring of such a man, especially if the bond and the oath strike our memories.

One should have hoped, that, after *David's* promise, he would have secured and rescued *the issue of Jonathan.*

But it appears that he had no memory (till much time had intervened) of this compact—that he kept it late in the day, and with cold œconomy.

It shews the little reliance we can ever place upon bonds and covenants like these.

Jonathan had left but one son, who was lame in both of his feet, by an accident, which is (like all the rest of his father's life) affecting. The child was dropped by the nurse (evidently in terror at the news) just after the death of *Saul* and *Jonathan,* when it was five years of age.

One day, as if struck (like other Kings) with a careless and sudden thought, after the reign of *Ish-bosheth* over *Israel*, who was *Jonathan's* brother, and which reign occupied a period of some years—*after* David himself had been made King *of Israel*, and had, in two battles, overcome the *Philistines;* after the dance before the ark, and other victories;

"David said: Is there *yet* any *man* left of *the House of Saul*, that I *may shew mercy to him, for Jonathan's sake?*" — Was not this question rather late in the day?

However, it brought forward this young man, who appears to have then had a son; and therefore was in all probability 15 years of age at least; so that it was ten years after *Jonathan's* death, before *David enquired* after his friend's children.

The result, however, gives a cheering consolation. This young man is at once adopted as the son of a King, eats at the King's table, and is made heir of *Saul's* possessions.

It happens, however, a little whimsically, that after this kind solicitude for the House of *Saul*, and for any man left of that house, *David hangs*, to oblige the *Gibeonites*, two sons and five grandsons of *Saul*. The five grandsons, being sons of *Michal*, *David's* own wife, who had saved *his* life, and whom he had again taken, after they had been separated, by force, and kept her still as a wife, though she despised him for dancing before the ark, and was made barren for it as a curse.

This execution does not appear to us quite satisfactorily explained. We are told there was a famine for three years.

And *the Lord said* (which I apprehend only means *by the Sages and Prophets)*, that it was upon account of *Saul's bloody house*, who slew the *Gibeonites.*

David then appeals to the *Gibeonites*, and *they* demand seven of the sons of that house, for execution, which is granted; but the son and grandson of *Jonathan* are saved by the King.

Having thus given a summary of *Jonathan's* life, may I not sketch its prominent features? And will not the facts I have stated, prove the integrity of the resemblance?

He was brave and wise, honest and zealous in his *military* character—*a patriot in arms.*

He was an *exemplary son.* Insulted by his father, disgusted by his tyrannies, twice the intended victim of his murdering hand — adored by the people—linked in personal amity with *David*, who rebelled against *Israel*, and who was apparently *God's elect*—he dies for his father, whom he never deserted: he dies in the field of honour: he dies combating the *Philistines;* and, in his filial attachment unshaken, with arms in his hand.

He was *a Patriot* of the first and best class: he hated oppression; he loved the people over whom

he was to reign; but he loved them too well to invite them into rebellion, or to dissolve the links of their allegiance.

He was a most *enlightened Prophet*, and a *religious Hero*. To the God of battles he resigned his arm; and *felt* that his cause was reprobated, without relaxing one sinew of his efforts.

To describe him as *David's Friend*, the veil of *Timanthes* must hide the wreath.

In a word, his *heart*, in the worst age of *Judaism*, anticipated the *Gospel of Christ*; and the Heaven of its living Pattern, in a *Saviour of the world*.

SUBSTANCE

OF

THE DEFENCE

OF

SIR THOMAS RUMBOLD, BART.

AS IT WAS OPENED BY HIS COUNSEL,

MR. HARDINGE,

AT THE BAR OF THE

HOUSE OF COMMONS.

FIRST PRINTED IN 1783.

*** The late Rev. *Henry Maty*, speaking of this "Defence," and of Mr. *Hardinge's* famous Speech on Mr. *Fox's* India Bill, says: "Though I understand that these arguments are printed exactly as they were spoken, and that was without premeditation, except of the general topicks, nothing can be more acute, more sensible, more rational, and, as far as the statements on one side can be so, more convincing. I particularly admire the sagacity and strength of words, with which the learned Orator defeats, distinguishes, and reprobates in Pamphlet the first, those horrible blots of *English* History, the blots of attainder. Would Mr. *Hardinge*, who is so well fitted to profit by advice, forgive an old acquaintance, if he were to remind him of adding to his other innumerable excellences, something of a broader manner, a little more neglect of the effect of *single* sentences and *single* words*? He is now on a stage which has long expected him; and if he carries, what few besides himself can carry there, *Demosthenes* and *Cicero;* if he speaks seldom; if he avoids the minutiæ of vacillating political advocates; if he preserves the simplicity of his hitherto untainted political character; no doubt but Posterity will set him by the side of his great predecessors."

* "The last infirmity of Oratorical minds."

DEFENCE OF SIR T. RUMBOLD*.

Mr. Speaker,

I have the honour to be an Advocate and Friend of the Party accused: who is held forth, by the Bill in my hand, as a *Delinquent of State*, and the object of *Legislative Justice*. A description, alarming to every subject of the Realm! and at least of dangerous import in a *Government* by *Law*.—It is the peculiar feature of such a Government, the charter of its freedom, that every member of it acts upon the good faith of his own covenant; stands, or falls, by the test of duties which he has imposed upon himself; consents to a rule of action previously defined; and accepts, in return, an implied security that he has no other debt of justice to pay, civil or criminal.

But, whatever danger these guards of innocence against prejudice, and power, may encounter in a *political* Court, it is the habit of this House to respect, and consecrate those, *rules* I will not call them, but *principles* of justice, which Nature has written upon the living tablets of the heart.

Such, and such only, are the rules of legal evidence, formed, and settled for ages past in every

* See what is said on the subject of this "Defence," by Mr. *Hardinge* and the Hon. *Horace Walpole*, in the "Literary Anecdotes of the Eighteenth Century," vol. VIII. p. 528.

Court of Justice known to this Island:—they have deep roots of natural equity, and wisdom; their credit is universal, and they have a policy in them, superior to the argument of *State-convenience*;—an argument, fit only for Tyrants, whatever shape their power may assume.

"*Allegata, et probata,*" are cheering words: No presumption can supply the want of direct and specific averment, or make room for that execrable injustice, the secret opinion of the Judge: if the Accuser fails in his proof, the Culprit is at rest; no penalties can touch his freedom, or his property;—no opprobrious incapacities brand his character.

Yet, Sir, I am in the memory of those who hear me, whether I have protested against many articles of *illegal evidence*, illegal upon the first blush of them;—an abstinence, which has been called *judicious*, and for the *interest* of such a Culprit:—a singular *interest*, which his enemies have discovered for him;—that he should wave his protest against illegal evidence; which may criminate the purest character upon earth! I admit, however, that I embraced this line of conduct with pleasure: It *was*, I thought, for his *interest*; because it left him two sure grounds of defence. *Illegal evidence*, though *received*, never can hurt him: This Court may be entrusted with it; and it will be the same to *them* as if it never had reached them. On the other hand, if tendered, but refused, he could never have disproved the imputation which it conveyed. It is *his* misfortune, to fight against lurking suspicions;

not against evidence: It must be for *his* advantage, that every thing which can breathe upon his character, may be adduced, and explored; for, unless my zeal and friendship have given me very partial conceptions of the defence which he has put into my hands, not a dust of imputation will be seen upon his name, if truth alone can impair the lustre of it.

At this Bar, and the champion of Innocence, I meet with firmness the dispassionate judgement of the Publick, held in accountable trust by its Representative here. Let it be *Judgement*, and I ask no more; because in this Country I know the Judgement, where guilt is alleged, but innocence proved: I know it, where suspicion alone imputes dishonour to the motive, conjecture is refined for purposes of conviction, the sacred rule of legal faith reversed, and guilt the favourite of opinion.

But who are the Accusers? A very dangerous and false idea has gone forth: It has been circulated, that in the *Secret Committee* we are to find them; and *their* high character (political as well as personal) has been set up in competition against the acquittal of a Culprit, *formed* by *them*.—Sir, the purity of that *Committee* is insulted by such calumnies. I take the liberty of assuming their intention to vote in Judgement upon this Cause; and from that intention alone I could safely infer, that no prejudices of an *Accuser* corrupt their minds. It is for their honour too, that I ask, and claim from *them*, a jealous and strict guard over themselves: Acting as a Court of Enquiry, they have heard *ex parte* evidence:

illegal evidence, and some of it even disowned in a Bill which has no *weakness* of mercy in it, from the first of its many pages to the last. Their merit by the publick will be the same, whatever the rights of humanity, and of justice, may require of them in their *judicial* province. As a delegated *Inquest* of the Realm, they have reported *materials* of Judgement upon *Eastern* politicks, which are very complicated, and very important; have been at least unfortunate; perhaps in many particulars ill-conducted: But the moment that an accusation is framed out of such materials, the accused has a right of commenting upon it as freely as upon a legal charge.

By this Bill, and the *evidence* adduced in support of it, the Culprit is tried: Against *them* alone, he can be heard: It will not, therefore, I trust, be imputed as an unbecoming freedom of my argument, if it assumes, that no *Judge* can deviate, one step, out of these materials, for any purpose of comment upon the subject, in so aweful a period as the interval (whatever may be its duration) between the charge and the sentence.

I mean to establish two propositions of argument, and fact, united, in support of the Party accused, and against the commitment of this Bill.

First. That upon the offences charged, it is neither wise, nor just, nor safe, in the Legislature, to shut against him the Courts of Law, and force him to *this* Bar for his trial.

The *second*, that he is innocent of the charge, and *must* be acquitted by those who stand account-

able to the Reviewing Judge of every Sentence upon earth; accountable to their own conscience, "*the Divinity that stirs within them;*" and accountable to that part of them which must long survive them, to their character with posterity, whose dearest concerns are embarked in every good and bad precedent which *they* shall form.

I have not recovered my astonishment at the inflexible silence of the Accuser's Counsel upon the *first*, and most important of these propositions.—What! Sir, do we live in times which authorize an Advocate, standing at your Bar, to open a *Bill of Pains and Penalties*, without a syllable of reason for excluding a *Subject of Great Britain* from the *Judgement* of his *Peers*, and the *Law* of the *land*?

Is it of course, that when this House, acting as the Inquest of the Realm, substitute a *Bill of Pains and Penalties* in the room of an *Impeachment*, or any other *legal* proceeding, the equity of that substitution shall be assumed by the Accuser, and admitted by the culprit?—Such tyranny will not be found in the Records of this Court; whose honourable usage it has ever been, to *hear* the equity of their own jurisdiction canvassed at the Bar. I say, the *equity*; for of their *power*, in this motley robe of *legislative justice*, no doubt is entertained; but that power is not superior to a *discretion* which accompanies it, and is respected, or abused, in every particular experiment. I speak of the House, just as the Law speaks of the Executive Power: It *can do no wrong*: But *wrong*, of the worst kind, would

be done, if you should innovate upon our birth-right, which is the right of accounting to the Magistrate in a *legal* Court, where no indispensable claims of the publick to a more summary and *political Judgement* give their sanction to a departure from rule.

I admit a possible case, in which the self-defence of the Ruling Powers, at a moment of critical pressure upon their peace, and safety, may supersede the covenant between them and the Subject.—For example, if he tampers with Law by secret conspiracies for the purpose of eluding it, or commits an act of open violence against the authority of Government: These are situations, in which the *arcana imperii* may be unveiled, and the Legislator himself may appear sitting in Criminal Judgement: They are the "*Senatûs consulta ultimæ necessitatis*," which preceded the *Dictator of Rome.*

The Bill, Sir, in my hand, is a *Dictator*, self-erected, and self-approved: It condescends to give no reason for its political appointment; but commands implicit obedience to an act of power.

Is it the only competent, or adequate justice, against an *Eastern* Governor, for his violation of a public trust?—Is it less attracted by the guilt of a *Western* Governor? of a *Judge?* or of the *First Minister* at home?—Yet, against *them*, where are such Bills to be found?

Their mischief in theory is obvious.—For example, the *Accuser* and the *Judge* are one.—But "how misbecoming that fervour in a *Judge*, which is

becoming in the *Accuser*: whose earnest and zealous pursuit of conviction is innocent at least; perhaps, meritorious: the *Judge* gives a calm decision; leans to mercy; pays no compliments to popular clamour; and, least of all, pieces up want of *legality* with *convenience of State*."—Such were the sentiments delivered by an eloquent Member of this House, upon the *Earl of Strafford's* Attainder.

A Writer of the ablest modern Commentary upon English Law resolves a *Bill of Pains and Penalties* into an act of power; "a *new* law for special purposes; not the execution of any *laws in being*." He marks, with unanswerable argument, the necessity of interposing another "*Justice in Parliament*," between this House, the Accuser, and the common rights of the Subject, personated by the Culprit.

A Right Honourable Member of this House, with whom I have passed the happiest part of my life in the habits of intimacy and friendship, has left, in a legacy to his profession, a censure upon *Bills of Attainder*, which does infinite honour to his public spirit and humanity. He, Sir, has given to me better words than I could have suggested; and I shall take the liberty of adopting them here: "*Attainders* are acts of *urgent* and *real* necessity: They never should be desecrated by the Ruling Power to the mischievous gratification of political resentment."

Bills like these, are endless Inquisitions. The old acquittal of the Law had words of comfort in it; "*Eat inde quietus sine die*:" But here, *Ordeal*

for justice."—"A vein was to be opened, a limb cut off, and a victim devoted." "No law for wolves." —"*Accumulated* and *constructive* treason was to be formed by the union of many acts, which in themselves imputed no treason at all." God forbid, Sir, that a Legislature of *Great Britain* should, in our day, re-enact the *Earl of Strafford's* Attainder, in that, most execrable, ground of it;—writing only the word, "*Corruption*," for the words, *High Treason!*

The original argument of *Attainders* was chaster. Flight was the reason for them: He who fled, gave Judgement against himself.—A corruption of the Law, practised by *Sir John Fenwick*, in the concerted escape of a Witness who had given evidence against him, was marked by the Bill itself, as the main pillar of it.

What, Sir, was the infamous cheat upon the *South Sea* adventurers? An offence of *high treason*, if I may use that phrase, to the commercial faith and credit of the Kingdom: A cheat, practised by those who had exercised an official controul over a fund, amenable expressly, and immediately, to Parliament; the fund insolvent, and above seven millions in debt: A *conspiracy*, to defraud the publick, and ruin many thousand individuals; that conspiracy *notorious*, and *confessed:* Some of the conspirators had fled: The outcries of the Nation were unexampled: All the Counties and Cities petitioned for justice.—An arrest and attachment of this embezzled wealth, for the purpose of dividing it among the

sufferers, was a political expedient, ably calculated for the object which pressed upon the Legislature; in other words, for the revival of confidence in the faith of Parliament.

The later case of the *Charitable Corporation* resembled its model, that of the *South Sea Company.* —There too was a *Conspiracy*, and cheat upon the publick; the *corpus delicti* manifest;—the Kingdom in a ferment, and alarm;—the faith of Parliament at stake;—the Adventurers ruined by their confidence in Government,—suppliants at this Bar for pity and redress.

Such are the few Bills of the kind.—Let me ask even the Accuser, if they bear the least analogy to *this* Bill? If told, that *Sir Thomas Rumbold's* guilt is too big for *Westminster-Hall*—are we to remind the House of another "*Justice* in *Parliament*," administered by the Peers of the Realm, who form a *legal* Court, peculiar to misdemeanours of a political nature, and breaches of public trust?

The Law, Sir, when it speaks of the King's discretion, corrects, and qualifies the term, by adding, that it is a discretion to be found *in Curiâ Regis, non in Camerâ.* There is also a distinction between the *Chamber* and *Court* of Parliament. Nor have I yet heard, or think it possible for me ever to hear, a reason, why the *Chamber* is preferred in the case before us.—*Corruption* is here the leading offence; though it is rather *insinuated*, than *affirmed.*—But in the cases of *Bacon, Middlesex*, and *Macclesfield*, it was *directly averred*, and the object of an *Im-*

peachment, which ended in the most exemplary justice.—Does the *insinuation*, or *averment*, compared, account for the difference?—God forbid!—*Constructive* and *accumulative* are odious words.—In *treason* they have been made scourges of oppression, by Parliaments affecting a judicial character.—The 1*st of Henry IVth* expostulates against the tyranny of them, in terms of the most pathetic simplicity:—"*No man ever knew how to behave, to do, or speak, for doubt of such treasons.*"—The application of *constructive* and *accumulative* to other offences, never has been attempted by the Legislature till this Bill saw the light. If the severity of proceedings like these, and the absolute power of such a Court, is even claimed by the occasion, they should, at least, adapt the rules of *proof* to the rules of *Justice*; for, in proportion as the Court is more high and absolute, the more correct and exemplary should be all its proceedings.

But let me ask the *Individuals* who form this Court—ask them, as *men of honour*, whether they have not been impressed, I will not say with *prejudices*, but with antipathies a little too intemperate, against every *Eastern* Governor who has made large acquisitions to his *English* fortune: Let me ask them, as *Judges*, whether, if the charge of *corruption* were out of the way, they believe themselves equal to the subtle argument of *policy*, which the Bill imposes upon them: Let me ask them, as *Legislators*, if they consider the measure of devoting one victim to punishment for the sin of *impolicy*

alone, as generous, or wise? No, Sir; it is the *insinuated* guilt of *corruption*, that criminates, at the mercy of prejudice, every act, and every word of the Culprit. If a bad motive is wanted, *Corruption* supplies the defect: *Her* accommodating figure is always ready for the niche.

I must now address the feelings of the House upon the topick of those unexampled severities which have oppressed the Culprit;—and, in stating *them*, touch a little upon his *character*, which is deeply affected by the charge.

He is an old servant of *the India Company*.—With a public spirit which did him infinite honour, he first left the Civil, for the Military line, and was uniformly distinguished by *Lord Clive's* approbation.—The fatigues of an active service, and a weak state of health, obliged him to resume the Civil department. He rose to a seat in the Council at *Bengal*; and *Lord Clive*, who superseded most of that Board in 1766, exempted *him* from their fate; assigning his peculiar merit as the sole ground of that exemption. He was a Director, four, or five years; and the destined successor to *Mr. Hastings* in the year 1773. He was chosen President of *Madras* in 1777, at the most critical moment of difficulty, and weight—An impending war accompanied him.—He had the disgusted Native to conciliate, an exhausted revenue to repair, and a defensive to put in train against *Hyder Ally's* threatened hostilities; which he was also to avert, if he could. Never, in the whole of his public life, has one stain

been dropped upon his public honour, till the Directors poured upon him their *Philippic* of the year 1781.—Apprised, in March 1779, of *all* the political *enormities* which are spread before you in this Bill, the *Company* thanked him, at a General Court, for his active, and able services: The *King* promoted him to the rank of Baronet, for the capture of *Pondicherry*.—From the period of those thanks and honours till 1781 (a year and a half), I ask why the resentment, which is *now* so inexorable, slept?—He has been a faithful, and an active servant, animated by one object alone—the real interest of his employers: He returns, a dying man: What reception does he find?—a Sentence of banishment from the service, *before he has been heard*; in direct breach of those very *covenants* which the Directors tell him that *he* has violated. The Sentence, a calumny, and perversion of truth unexampled! It ends with *partialities*, which I challenge any man living to vindicate or excuse.—One of the Council is only *reprimanded*, though deep in all the supposed guilt of *Sir Thomas Rumbold*. And why? "because he fights well, and is incapable of corruption."—Two others, who have coincided with him in most of his public measures, are dismissed with *him*; but for how long a time? Restored in less than a month;—because they differed with him in two or three measures, which the majority of the Counsel pursued.

The Directors, having published and circulated this *Anathema*, form a powerful body of prejudice

against their victim.—It is by *them* circulated, that he *made* the *Carnatic* War—and ran away from it.

The remittances of his own fortune precede his return:—A bed of torture is made for them by that cruel Inquisitor, popular envy: A *Bill in Chancery* hangs over him: A *Restraining Bill* is enacted for the declared purpose of making his property amenable to "*Justice*" in *Parliament*.—Sir, I had the honour of protesting against that Bill; for which no shadow of an example could be found, but the case of the *South-Sea* Delinquents: I took the liberty of marking the palpable difference, between the two Bills, thus compared: I urged, but in vain, that guilt was there *confessed*, the amenable property forfeited, and the view of that Bill, only to ensure the fund.—I went further, and used an argument, which I am sorry now to call prophetic: I said, that if the compelled inventory should be *large*, it would give colour to the *insinuated corruption*; if *small* in comparison to the general report, *perjury* would be suspected, and *that* suspicion circulated. Need I lament the calumnies which at this moment form the loud whisper of the day; or express my firm persuasion, that no *Judge* will give his ear to them? The remedy against all *suspicion* of an evasive account is open to Parliament; and if any one Member of the Court believes *this* account incomplete, the Bill should not proceed before that opinion is refuted, or confirmed.

Orders have been sent by the Directors to the *East*; Orders, which I call by no other name than

libel, and *subornation of evidence*: They *bribe* the informer, by assuring to him a part of any corrupt acquisitions to the Culprit's fortune, which *he* can bring forward; and they mark the corruption as *believed* by *themselves*, though not *proved* in form.

Two years of prosecution hovering over him have disquieted every anxious moment of an irritable mind, irritable as that of any man who hears me, in its jealousy of honour.

He was *indiscreet*, and offered his defence before its time:—The *Committee* would not receive it; but the Accuser has caught here and there a feature of it, omitting the rest, and mutilating even the extracts.

At last, he is to defend himself against a Bill, so full of nets, and of traps, that it would endanger the purest virtue;—a Bill, so cruel, that no pollution of guilt, or infamy of character, could merit half the oppression of it.

The offences charged (if stripped of the invective) are definite; except the sin of *impolicy*, which has no business here, unless where it marks a bad motive to the act, and consequences of it, injurious to the publick.—Let us analyse the guilt.—He has disobeyed the Orders of the Company: He has neglected his duty, as President of the Council at *Fort St. George*: He has committed acts of oppression: He has violated the public faith: He was corrupt.—Why not proceed *at Law* upon these charges? Was *this* Court preferred, because no *legal evidence* could be found? I am bold enough to affirm, that I believe it was; because I observe

that *illegal evidence* forms many allegations of the Bill; and we are told, that every allegation must be verified, be it ever so inapplicable by the rule of *Law* to the terms of the charge: One of the Counsel has *improved* upon this idea; for *he* says, that every allegation criminates, that a deep sting lurks in every word of it, and that no part of its venom is *thrown away*. By such a doctrine, all the calumnies which malevolence can form, all the suspicions of an Inquisitor, may be ingredients of this "*poisoned chalice*;" and *Sir Thomas Rumbold* must vindicate every passage of his life against them, as well as he can.

Amongst the various articles of *illegal evidence*, which are averments of the Bill, can I omit the "*opinion* of certain witnesses to the guilt of *Sir Thomas Rumbold?*" Can I forget, that he is accused of doing "what the Court of Directors *disliked*, and the *Subordinate* Councils *disapproved?*" Can I overlook the corruption of a servant, who is not even *called* his accomplice in a Bill which trembles at no falsehood, made *his* corruption by the argument, such as it is, unless *he* can prove, that he was *not* corrupt?

The Bill is partial—obscure—out of temper—indefinite: Many are its facts, which either point at no charge, or criminate others; many, its palpable falsehoods, half truths, and fallacies of argument. The *mercies* of it are *cruel*.—It states, in *gentle* terms, that one article of conduct was "*highly improper*;" a second, "*particularly culpable*;" 'a

third, "*precipitate*;" a fourth, "*contrary to practice.*" Are *these*, crimes for a *Bill of Pains and Penalties*? No:—But "*juncta juvant*" is the charm, which binds them together.

Effects are cruel and false arguments of *guilt* in the measure which produced them.—But here, no injurious consequences have been marked even by the accuser, except *Hyder Ally's* invasion of the *Carnatic*. I shall have occasion to demonstrate hereafter, that *Sir Thomas Rumbold* was *not* the cause of it, was an enemy to what he *believed* the cause of it, and pointed his enmity like a man of honour; though it provoked a nest of hornets, who would now sting him to death if they could.

The *tendencies* of this or that measure to injurious consequences, are no proofs of guilt, unless it is impossible for two men to differ upon them.

The *disobedience of Orders*, and *breach of covenants*, are not of course criminal *here*, and *may* be virtues: For example, if the *motives* were good, and the *consequences* useful to the publick; if the *Orders* were impolitic, or unjust; if the *covenants* were too strict and penal for implicit performance, without injury to the superior bond of justice to the Company's interest.

Are the Directors of the *India Company always* right? Is *every* Order of theirs, clear? Do their Councils never fluctuate? Are they to be received, and embraced, as witnesses *against* the victim of their own prejudice—but rejected, if reluctant witnesses *for* him?

" He *disregarded* the (undefined) *spirit of Orders;*" he neglected his " *duty implied;* and he broke an *Act of Parliament.*"—These *crimes,* if they can be so called, are, in the deepest hue of their guilt, injurious only to a *constructive* prohibition; yet no allowance is made for an ingenuous, though misconceived opinion. " The Council of *Madras* quarrelled with *Bengal:*" Which of them was right?—The rest of the Board co-operate with *Sir Thomas Rumbold;* " it's influence."—The minority are against him;—*one* of them is against him;—" he is a tyrant, if he perseveres."—" He oppresses the *Zemindars;*" and " *he* courts their favour,—courts it, even by *corrupt* appliances to it."—" He is *rich,* and must account for every six-pence of his wealth:" A doctrine, at least, perfectly new;—and this floor, a very singular place for it!

The *corruption* insinuated is of this kind:—" An Act of the whole Council is, by the Bill, represented as the result of *corrupt practices.*" *How* the result of them? *What* practices? *Whose* practices? The perfect innocence of *Sir Thomas Rumbold* is consistent with every word of this allegation. —*All* the Members of the Council, but *himself,* may have been corrupted; or all of them not corrupt, may have been *influenced* by others who *were. Bribery,* Sir, and *extortion,* or *peculate,* are offences capable of a *direct charge,* as well as proof.—*Lord Macclesfield's impeachment* is a contrast very humiliating to the character of this Bill.—It states corrupt practices with minute accuracy of detail, and the most pointed averment.

As to the rest of the Bill, it is a collection of hard names, which the bitterest Advocate would be too generous to adopt.—The figure of *Deïphobus* in the *Æneïd* was not more deformed, and mutilated, than is the culprit of this volume.

The Counsel for it, however, to their personal honour, have deserted their Prompter in that respect, without prejudice to their zeal; have remembered the delicacy which is due to parties accused; have marked the native liberality of their sentiments; and the *Advocate*, in both of them, has reflected honour upon the *Man*.

In every word and syllable of this insidious composition, *Sir Thomas Rumbold* is to pick out his own crimes;—though his conscience makes him dull at these discoveries: But if he says nothing—"You don't explain," says the Accuser to him.—If he is forward in explanations, "You put the cap on your head."

Every allegation stabs in the dark, as fancy and malevolence point the weapon. The certainty of charge required by the Law is of no technical nature:—It guards the Accused against imputations unforeseen; the Judge, against the embarrassment, which arises from an artful combination of indefinite materials.

I conjure the House to weigh these preliminary objections; but, above all, to resist the dangerous topick of *State policy*, while they sit in *Judgement* on a charge of so penal a nature.

Hitherto the argument is applicable to the equity of the jurisdiction, or to the singular frame of this

Bill. Not that I rest upon it as forming a peremptory and absolute plea; but I call it in aid, as giving just alarm to the House, and requiring, at least, their jealousy against new experiments in *the rule of proof*, under circumstances of such peculiar severity, if not oppression.

My defence of *Sir Thomas Rumbold* upon the *facts* will derange in one respect the order of the charge;—for I shall begin, by disproving the *corrupt influence*, to which all his political measures have been directly or indirectly referred; because no Judge, while the *suspicion* of that influence hangs over his mind, can fairly decide upon the guilt or innocence of the measures themselves. Yet, though I shall vindicate him against the calumnies of unauthenticated suspicion, I desire to have it understood, that, if I were his Advocate in a Court of *legal justice*, I should put him into the hand of his best Counsel, the Judge, for his defence against a charge, which defeats itself, by stating, as the sole ground of it, evidence which the *Law* would refuse to *hear*. But the delicacy of his honour, and the respect which he owes to the jealous eye of the publick, oblige me to vindicate him against an arraignment, which no *Judge*, unless he sported with his oath, would have suffered his prosecutor to *read*.

Three times, in the Bill, he is *argued* into the *suspicion* of a *corrupt motive*.—It is never stated as a *fact*, either proved, or destined for proof.

Here, Sir, I make one general remark, as applicable to every part of the Bill which insinuates

corruption:—At a distance from *Sir Thomas Rumbold*, the facts are stated with accuracy and clearness; but, as they approach him, they become indefinite. For example, the corrupt agreement between *Sitteram Rauze* and *Sir Thomas Rumbold's* private Secretary is particular, and complete; but, when the corruption of *Sir Thomas Rumbold* himself is brought upon the carpet, how does the charge of it criminate him? "A certain act, in which the Council of *Madras* were unanimous, was *brought about* by '*corrupt practices*'." I again remark upon this allegation, that it may be verified, and ascertained, though *Sir Thomas Rumbold* was not guiltier of those *corrupt practices* than myself, or any man who hears me; for, if all the Members of Council but himself, or the majority of them, were corrupt, or the casting vote alone, or the Secretary alone, who, without apprising the Council of *his* motive, had urged them to the act; it would still be "a measure *brought about by corrupt practices*."

Twice in the Bill it is presumed, *upon illegal evidence*, that *Sir Thomas Rumbold* was bribed for special purposes, which are stated; and it is inferred, by the lump, from his remittances to *Europe*, or the mode of them, that he has made a corrupt acquisition to his property. When I state *these* articles of *insinuated* corruption, I am not sure that I should not for *three* substitute *three hundred*. One of the Advocates for the Bill, after stating a variety of measures pursued by the Board of *Madras*, told us, that "*many* of them were offences of *peculation*:"

Indeed, if guilt may be thus insinuated, "*a hair may kill.*" *Three* articles, however, at least, are prominent features; and I am too dull for the discovery of more. *First*, He was *bribed* by *Sitteram Rauze*. 2. He *was bribed* by the *Nabob of Arcot*. 3. His remittances were in general formed by *corruption*, of one kind, or other.

[*Here the learned Advocate entered into a full and able Vindication of his Client on those specific Charges; and afterwards thus concluded the First Part of the Defence.*]

Sir Thomas Rumbold has a manly and proud sense of honour, which has often made him *indiscreet*:—Left-handed wisdom is no part of *his* talents. He writes to the Company *between March* 1779 *and January* 1781: In that critical period he enters a firm and able protest against the *Mahratta war*, the war of the Directors, duped by the Council of *Bombay*. He urges upon this topick unanswerable arguments, with *ill-timed* energy and zeal, a little before the *Philippic* of 1781 appeared—a natural consequence of them.

But I resume the argument of *implied approbation*, with all its analogies: The Accuser must reason thus: "*Governor Stratton* deviated from the Orders; he was recalled, for his conduct; that measure formed a part of it; and yet was *approved*, because it was not expressly *disapproved*.—*Sir Thomas Rumbold* suspended the *Committee of Circuit*; he was thanked for *other* parts of his conduct; and this measure, known at the time, was not then

disapproved, or at any subsequent period for upwards of a year: But those thanks, and that forbearance, are no indication to *him*, or to the publick, that his conduct in this measure was *approved*, or even thought innocent. The *silence* of censure upon one article of misconduct, though accompanied with a *recall* as the punishment of misconduct in general, and this, known to be a part of it, *approves*— But the *silence* of censure, accompanied by *thanks* and *encomium* for services enumerated, is a constructive *disapprobation* of *other* measures, adopted by the same Council at an earlier period."

Sir, he would not have merited those thanks, and that encomium, if he had *not* suspended the *Committee of Circuit*. The fact is known, that all our Troops, which must have been wasted in the odious and fatal service of disarming the *Zemindary* force if the *Committee* had proceeded, were employed in the field of honour, at *Pondicherry*. The *Northern Circars* would, therefore, have been defenceless, and open to *Lally*, from the *Guntoor*, if their Native Military had been reduced: On the other hand, affronted, but armed, they could with ease have emancipated themselves from our dominion. Instead of exposing ourselves to any such embarrassment, we sheltered the *Circars*, though we hired a part of their Troops in a more active and profitable service; to which their courage and fidelity were important acquisitions. In short, our suspension of an execrated measure ensured the attachment of the *Zemindar*, the peace of his Government, the resource

of his tribute; animated his political zeal in our cause; and, by the help of it alone, could have sustained the *Carnatic*, to this hour, against that pressure of difficulties, and calamity, which the *Mahratta* war has thrown upon it.

PART II.

MR. SPEAKER,

Before I proceed one step in the sequel of this Defence, the House will do me the honour to accept my personal thanks, for their indulgence to my former efforts, and for a second opportunity of doing every justice in my power to a character, which I must continue to guard as my own, till I can lose my zeal as an Advocate, or the feelings of my heart, as a man.

When I parted from the House, I had proved that a just alarm had been raised by the *Committee of Circuit*; that oppression had been the apt instrument of tyranny; and that no one advantage arose from the Letter of April 1775, put in force, except a survey of the land called *Havilly*, which the Company own as *proprietors*, and which bears no proportion, either in size, or value, to the *Zemindaries*:—that not even *there*, in this land of their own, had the *Committee* attempted one inch of reform.—I had proved the *Circuit abjured in principle*, and *suspended in fact*, by the Directors themselves, a little before *Sir Thomas Rumbold* embarked

for his Government; *abjured, in principle*, by their censure of another *Committee*, the express model of this, upon recent experience of its mischief; *suspended, in fact*, by a recall of its only genuine Members, then acting upon the service. I left the House apprised, that when the Orders of April 1775 issued, the experiment at *Bengal* was unfledged; that when it grew, and the wings of it were spread, corruption, fraud, and rapine, marked their flight.

The appointment of *junior servants alone*, as Members of such a *Committee*, enabling *them* to bind the Council of *Madras*, hand and foot, in the article of tribute, would have been madness unauthorised, irreconcileable to the *tenor*, and *spirit* of the Orders in 1775. I observe, that in their Letter to *Bengal*, the Directors, pointing their censure at a *Committee of Circuit* there, formed of *junior servants* alone, state the mischievous consequences of the estimate formed by *them* as the basis of a settlement, which the Council themselves were ultimately to adjust in the article of tribute.—Apply that argument here.—The Orders of 1775 enable the *junior servants* (if they can act as a *Committee* at all) to *make* the settlement themselves.—Can it be *impolitic*, to let them form the *materials* of decision, which the Council may reject, or adopt; and *politic*, to let them not only form the materials, but act upon them, so as to bind the Council by *their* decision alone?

An impending war, that critical feature of the time, and the scene, is omitted by the Accuser—

omitted, I should rather say, in *this* part of his work; for I must always do justice to that ingenious bed of torture, the Bill:—*Omitted here* it is, where it exculpates, vindicates, and assures praise to the act; but *inserted* by the Accuser, as the leading feature of a later period, (and impressed upon the House by *his* Advocate,) because *there*, till the Defence is heard, it has a chance of criminating the party accused. Yet, if those who drew this Bill had only dipped in the records of *Madras*, they would have discovered that *War* is not the period in which novelties of any kind, affecting the Government, or the Revenue, can be safely attempted; that in the best of times they alarm an *Eastern* Subject, whom every change of system has oppressed; that, at least, they require a season of repose, in which the undivided attention of Government can address itself to that single object, and the natives can receive no external help to their jealousy, or disaffection.

[*Mr.* HARDINGE *then continued the Defence of his Client on particular Charges; and one part of it is too important to be here omitted:*]

I come now to what the Counsel for the Accuser called the *English part* of the Bill.—It imputes to *Sir Thomas Rumbold*, that he concealed from the Board at *Madras*, and from the Directors at home, *Mr. Sadlier's* information to him, accusing four *Subordinate* Chiefs, by name, of corrupt practices, in their political character.

I am here, Sir, to vindicate the Culprit, against his own bureau, first opened by his correspondent *Sadlier*, and then by his Accuser. Known to have the letter of *Sadlier*, to which this part of the Bill refers, in his own private custody, he is required by the Accuser to lay it upon your table, for the purpose of criminating himself; one of those cruel *first experiments*, in evidence, which that Accuser's keen ingenuity, superior to the dull restraints of legal mercy, has pointed out. I call upon the Counsel for the Bill, to adduce any one example of a Penal suit, in which a man has been forced by his prosecutor to adduce written evidence against himself, out of his own pocket.—Put the case of *Treasonable practices*. What Culprit has been ever directed, in the worst of times, and by the most infamous Judges, to surrender out of his private and secret custody the paper which is to be marked as an evidence of those practices?

I shall here pay no attention to the topick of "*covenants violated*, and *orders disobeyed*."—The Counsel who closed the evidence told us, that *covenants*, and *orders*, in a case like this, were *pitiful* supports of a higher obligation, resulting from the superior though tacit covenant of political duties; and so far he said well: But it will be difficult for him to make that sentiment operate for the purpose of an imputation upon the Culprit, supported by *fact*, or any thing like the evidence of it, in this cause. At present I shall only observe, that, in those *covenants*, and *orders*, I can read nothing but

civil contracts, with a penalty annexed, as the guard over them; nor will it be denied, that a case *may* have happened, in which to have *broken* the *covenant*, or *disobeyed* the *order*, would have been highly meritorious.

What, then, is the offence? Let us mark it with accuracy, not pedantic and minute, but liberal. "*Sir Thomas Rumbold has not commenced informer, upon the single footing of private intelligence, unauthenticated.*" His offence, if any, was that of *omission*.—He took no pains to conceal evidence; but he did not think it honourable, or wise, to act upon his private information of it alone:—He barred no disclosure of it by his informer:—He was not active in the concealment of it; but he was not officious in apprising the Directors, that he had received a letter, which had communicated the intelligence to him, under the seal of confidence.

This being a correct and just epitome of the charge; my first remark upon it is, that it imputes an offence disowned by the Law of *England*.—And here, Sir, I cannot forget a beautiful passage in *Lord Strafford's* defence, that *chef-d'œuvre* of ability, and eloquence. "Must we be tried by Laws, before they are made? Far better were it, that we should be tried by no Laws at all, and be governed by those characters of discretion or virtue which Nature hath planted in us." An offender against hidden Laws, at the mercy of a legislative expedient, is an abject, who creeps in the dark, and shakes with fear at the rustling of every leaf: *Attainders*, or *pains and*

penalties, are " serpents by his way, and adders in his path."

A familiar case respecting the office of *Privy Counsellor* has been stated by the Advocate for the Bill, with much art and address; but the analogy attempted is more ingenious, than solid, or correct. —In the first place, it must be understood with a reference to *High-treason committed*, or *proceeding*, or *preparing to act*, with *an immediate risk of the public safety*.—Next, the peculiar nature of the offence concealed, which affects the very existence of the Government, must not be overlooked.—Nor, lastly, can I forbear to remind the House, of that express Law upon the subject, which the Counsel has dropped, in the haste, I suppose, of this popular analogy; a Law, which makes the *concealment* (or *misprision)* of *High-treason*, an offence in itself, and punishable by severe penalties.

But suppose unauthenticated notice of treason *passed*, and imparted under the seal of private confidence;—the offence committed, and the guilt ascertained; but the effect innocent, and the Government secure;—the offender guarded, and chained (as the *Subordinates* were, by *Sir Thomas Rumbold*'s measure of reform) but the secret kept.—Shall such a concealment be an offence at this Bar?

Look back, Sir, to the *Revolution*.—Look to the *Rebellions* of the year 1715, and 1745. Was private confidence betrayed? Was it a Political virtue to betray Fathers, Brothers, and Friends? Or, if betrayed, was that infamous barter of private honour

encouraged by the Government?—At the time of the *Revolution*, who doubted the intrigues between the Court of *St. Germain* and many of its adherents at the *English* Court? Yet the new Sovereign, unsettled as he felt his Throne, gave no countenance to the discoveries of intrigue and cabal, too successfully employed by the Tyrant who had abdicated; nor made any other use of such information, when forced upon him, than to watch over the conduct of the parties accused.

Sir Robert Walpole, Privy Counsellor, and clothed with a more special trust (for he was also *First Minister* at the time), adverting, in this very House, to the Rebellion of 1715, stated, over and over again, that he had the lives of many, who were then Members of Parliament, in his pocket: But *he* thought it an act of political wisdom, to conceal from the legislative or executive power such pocket evidence: He owned, in his place, that he committed that *misprision of High-treason*, if it may be so called; and yet I never heard of a censure upon his conduct for that *legal offence*, but *political virtue*; and his forbearance was accounted no less honourable to him in his character of *Statesman*, than it was amiable in him as a *Man*.

Who can believe that, in this *American* war, letters have not persecuted the Minister, containing unauthenticated reports of a correspondence with *Rebels*? Who can believe that, unauthenticated as these reports were, some of them were not artful enough to instill a suspicion of the fact, and a

jealousy of the accused? But the malevolence of the informer has been disappointed, by the wisdom, or lenity, of the Government.

The distinction, however, is broad (if policy be laid aside), between that plea of confidence which can extenuate no *legal crime*, and the same plea which *can* extenuate, can justify the guilt before us; a guilt, which is not *legal*, but *new*, and coined by the Legislature for the purpose of criminating a party accused, whom the Law, which he trusted with his conduct in public life, could not have touched for it. That Law, Sir, which has been sometimes held up as the model of your Judicial character, abhors the tyranny of discovering crimes by the purchase of treachery to domestic and private confidence.—It has no offences of concealment, except that of treason, or felony.—The Parliament of *Great Britain* will never, I trust, "*over-leap the modesty*" of this line. It surely, Sir, is impolitic, as well as cruel, to make *that* an offence in one, separated Culprit, which is practised by thousands, under the shelter of an existing Law, which flattered them with hopes of indemnity for an act, restrained by no *legal* prohibition, but injoined by the sacred, though unwritten, Laws of private honour.

But it was your "*duty implied*" (says the Bill) to inform against the parties, accused by this letter of confidence. *Duty implied!*—Are words like those applicable to a Penal suit, any more than "*spirit of orders*," "an *exact* performance of an agreement *in substance*," and many other expres-

sions of the same indefinite nature, found in this Bill? The lines of *duty*, and the manner of stating them, should be marked, and broad, if men are accused of dispensing with them. *Implied* is *constructive*: *You*, Sir, for example, imply one thing, and I, another: *You* are more *correct*, but I am not *criminal*. *Duty implied!*—Is it less the *duty implied* of every man who hears me, to inform against *every* offence, moral or political? But is it *criminal* at this Bar, to decline the duty, where the Municipal Code has been silent upon it?

If I knew a fact, even authenticated, but knew it in confidence; a fact which the Law does not *oblige* me to disclose, and a confidence which I betray, of my own accord—every Member of this House, and every man of honour, would think himself polluted by sitting at the same table with me: I should be excommunicated by the public hatred and scorn. Nor do I mean to declaim, when I solemnly aver, that if this *duty implied* could ever seduce me into such perfidy, I should wish to die, if it were only to escape the *pains and penalties* of self-reproach.

[*The Second Part of the Defence ends thus:*]

Before I close the subject, I would contrast the servant, upon a very high ground of political action, to his employers at home. I have proved the duplicity of *their* councils, and the want of uniformity in their system. If all which *they* have said or done to the *Nabob* were put into a book, you would be amazed at the levity and caprice of it:—They are at one time his obstinate partizans; at another, they

refuse to do him justice: But, in *Sir Thomas Rumbold's* conduct, I see the uniform pursuit of *principle* and *system*, without reference to personal distinctions:—For example, in the conditions which I have stated, he directs an immediate appeal to *Fort St. George*, and opens a channel of redress to the Natives:—He had observed the same policy in his conduct by the *Subordinates*. In the enlargement of the term for which the *Jaghire* should be lett, he acted upon *system*: It was no favour to the *Nabob*, who preferred and solicited the annual cowle;—but he looked at the situation of the Company's affairs, and saw the necessity of ensuring a permanent revenue.—Upon the same *principle* he acted, when he enlarged the term of the *Zemindary* tenure: In one of the cases put, he courted an improvement of tribute, as well as the security of it; in the other, he courted the renter into an expensive but essential repair, by the same act which ensured the payment of a most valuable revenue. If his fidelity and zeal had been cramped by the *letter* of this prohibition, and he had let the *Jaghire* to another tenant, by doing which, in the commencement of this war, he had thrown the *Nabob* into the Enemy's hand; if he had either paid for the repairs by the help of a loan from the subsisting treasure, perhaps fatal to the impoverished resources of the Settlement, or had neglected those repairs, and lost the benefit of the current revenue, as well as endangered the receipt of this accumulated arrear; what must the Directors have said?—"You feared

the loss of your own employment, and preferred that of our possessions, entrusted by a generous but improvident, confidence into your trembling hand: *Orders*, in general, should be *executed*; but we might as well have a *Ticket-porter*, and call him *President of Madras*, unless it be understood between us that *some* discretion is reposed in the objects of a *political* confidence, operating upon events, and local circumstances, which may render the execution of one order injurious to another, of more importance, or make *literal disobedience*, in one view, *perfect obedience*, in another, to the *letter* and *principle* united. You had the *Nabob* at an advantage. By means of the term, you could have tempted him to all the conditions which our policy asked of him; but you abused this obvious discretion, and picked out of a *system* upon the subject, easily understood, and pursued, one churlish prohibition, which you obeyed with an imminent hazard, if not a certainty of the fatal events, which arose from it in fact."

Singular, indeed, is the fate of my honourable Client; for I undertake (and will do it amply before I close the Defence) to reverse every accusation against him, upon grounds of arraignment, which I defy either himself, or the first abilities of our Profession, pleading for him at this Bar, to look in the face.

PART III.

MR. SPEAKER,

I confess myself not a little afraid, that a failure of my voice, and strength, after I had closed the last exertion of them, has in that cruel book of suspicion, too familiar to the Authors of this Bill, been registered as an artful claim to your indulgence, for the purpose of delay, upon a desperate argument; a suspicion, which I think it safer to refute, than to deprecate. I shall, therefore, in general, decline to resume the topicks of a former day; impressing only upon your attention two or three *leading facts*, and *principles*, upon the subject of the *Jaghire*, which I either omitted, or touched with a superficial hand, when I last experienced the candour of the House.

[*The whole of this most able and luminous Vindication of his Client is thus ably closed, by pointing out "such parts of the Bill as are irreconcilable to the rest of it."*]

The *duplicities* of the Accuser, and of his Bill, are endless: I shall mark a few of them; and every generous mind will revolt against him.

Upon *Sir Thomas Rumbold's* treatment of the *Zemindars*, we must fit him to the *bed of Procrustes*: —He declines to exasperate and ruin those Tributaries; there he is "too *short* for the *bed*:"—He controuls them, to a certain degree, for the interest and security of the revenue; "too *long* for it."

The *Zemindars* are stated as *Renters* of the Company: Why? that, as *rent*, the payment may seem inadequate; though, as *tribute*, necessary and just. —But these *Renters* are at other times insulted by the Advocate with sceptres in their hand; they are "*Princes*, and *Princely Zemindars*:"—Why? that our appointment of their Steward, and our own, against their will, may be called an act of oppression, to *Sovereigns* proud of their high rank, and impatient of controul in a feather of it.

Subordinates find credit in this accommodating Bill, even for their own testimony against the reform of their own abuses and peculations: The Counsel have tendered *their* complaints in evidence: Yet *the same* Counsel have told us, that *Subordinates* deserve no credit, and kick the beam against "a *feather's weight*;" are peculators, and so criminal, that *Sir Thomas Rumbold* participates their guilt, because he does not commence Informer against three, or four of them, upon assertions alone, imparted under the seal of private confidence.

A *balance of arrear* is, it seems, decisive testimony against a *Duan*: Such a balance, incurred by the most punctual *Duan*, at a single moment, or in a single district, is unpardonable, though he had acted upon that concern for years with approved fidelity and skill.—But it is no offence at all in his Competitor, to incur a balance of twice the amount, upon the same estate, in less than a year; no offence in that Competitor, acting as *Duan* to another and more extensive concern, to leave a heavy arrear; nor is it any comparative merit of a *Duan* to the same

Government, that *he* left no arrear at all, but a revenue productive and improved.

A *Rajah's Duan*, imprisoned by *him* for embezzlement in that office, may, and should be, released at a word from us. But it is laudable to dispossess that *Rajah* of his Fort, and banish him to his "*Hill of prayer.*" To subjugate every *Zemindar* within the pale of *Madras* by force—was *political wisdom*:—But God forbid that a reconciliation should be urged between two affectionate Brothers (the eldest of whom, a faithful steward of the younger, had been turned out of his office, for no reason assigned, and had been stripped of his natural consequence by intrigue alone). Such a measure, it seems, would be tyranny in the extreme.

One and the same act is called by the name of *Treaty*, that it may break an Act of Parliament,—and called a *violation of Treaties existing*, that it may incur an odium of national perfidy.

Bazalet Jung and the *Nizam* are to violate all Treaties with perfect impunity: It is *their* character; but *we* are *Christians*, and must give the other cheek; unless in what relates to the point which the Natives have most at heart, the undisturbed possession of their own military force: There, we are *Politicians* again, forget all Treaties, and the rights, which they have ratified: The sword is *our* Treaty, and avarice, or lust of power, give the law to it.

Where the Council of *Bengal* abjure their own acts, and censure ours, they are commended: Where they authorize our measures, the authority is either

suppressed, or mutilated. "We took (it seems) no defensive measures:"—Yet every numerous effort of the kind, though made either *flagrante bello*, or upon a system of counteracting a secret Enemy, in a perfidious Ally, is put under the fescue of a Civilian's pen.

"There is no penalty in your covenant."—What then? "It is an awkward blank, and Parliament shall fill it up."—*How* fill it up? "They shall insert *criminal* penalties."—Yet, where the *civil* penalties *appear*, they form no bar to the addition of others, which are *criminal*.

I shall now keep my word, and reverse the material charges of the Bill.—Counsel for the Accuser, and for the Publick, I demand a most exemplary punishment of the same Culprit, for the opposite measures to those which are made his offences here.

"You sent the *Committee of Circuit*;" (I say to the Offender)—"a job for your own retainers, or favourites, at the moment of an impending War, and your treasury bankrupt. You tell us that you had *orders* for it: Pitiful evasion! The *orders* gave you and your Board a controul over the *Subordinates*: Our jealousy of *them* gave birth to that controul; but it was baffled by your predecessors, *Pigot* and *Stratton*: We recalled one of them for his innovation; but it was pardonable, if compared to *yours*: What have *you* done?—*Stratton's* Committee had

some of its vital and genuine parts; but *yours* had *none;* it was made up of *junior servants*, who were to restrain themselves, *if they chose it*, and give law to their superiors at *Madras*. We ourselves dissolved your *Committee;* by recalling (to their stations at the Board) those Members of it, who alone *could* form it, and were then acting upon it. We (and yourself, then with us, in the Direction at home) grown wiser by experience, had renounced the *orders* of 1775. By our Letter to *Bengal*, in 1777, we marked our disapprobation of the model, to which those *orders* had expressly referred.

"Is *War* no difference? '*We shall not waste our time in pointing it out.*'—Look at the *orders* themselves in 1775. The *first Committee* was to be at rest as long as the disturbances relative to the *Rajah of Tanjore* should continue: What are *those* disturbances, in a time of *Peace*, compared (in their effect upon such a local reform) to the disturbance of a general *War*?

"You had notice of an impending revolt, as the consequence of attempting this very *Circuit* even in 1777, *before the War broke out:* You wanted your *Northern* troops for home defence; and you left the Company, as well as the Native, to the mercy of *Hyder*, by divesting the *Circars* of their local military. You left the *Zemindar* in the hand of the *Subordinates:* You knew their peculate, their abuses, their intrigue, their tyranny, and their falsehood; but you screened them, because you had a share in their guilt.—The letter of *Sadlier* was thrown away

upon *you*: It could not wake you from your corrupt and lethargic sleep. If you had reformed the *system*, you would have done well: You might have done it, without offence to the delicacy of private honour, and without prejudice to the policy of united Councils at home: But you tacitly encouraged the *Subordinates*; and made *your own* part of the *Nazir* sure, by communicating to *them* a *judicious* hint of the sword which hung over them.

"You tell us that *Subordinates* remonstrated.—*An argument for children!* Remonstrance from *them* should have animated the reform. Ridiculous conduct! At *them* you struck, at *their* consequence, at their *emolument*,—and then ran away from your post, at the sight of *their* complaints against a policy which assumed their guilt, and assumed it as discrediting every syllable which *they* could offer upon the subject.

"You preferred *Jaggernaut* as *Duan* of the *Vizianagrum* estate. Look at the arrears which he had left; read the suborned and shuffling language of the *Rajah*; compare his Letters when he wrote for himself, to those of his captivity; read the Letter of the *Subordinates*; take the character of your Favourite, even from *them*: You saw the agreement of 1777, between *them*, and that very Culprit of their own, whom *they* had marked as the object of their jealousy, and against whom, when the *Rajah* (his prisoner in effect) supported him, they had even drawn the sword: You saw them in that agreement confessing lavish and illegal grants by the *Rajah* to

this mercenary Favourite, and recommending them to the Board: By your protection of *Jaggernaut*, you have ratified that infamous barter of duty.

" You have disgraced and exasperated *Sitteram*; —a *Duan* whom you found unimpeached, and even praised upon record; an able, high-spirited, *injured* character. When I say *injured*, I lay stress upon the word.—If you want proofs of a doctrine which the human character marks to the lightest observer of it, go across the *Atlantic*, traverse the Continent of *America*, and learn in that school, what a sword and shield it is, to resent oppression.

" You made your *temporary Government*, calculated for healing measures, a nest of Informers, and Political Inquisition: Encouraged by *words* and *syllables* in a covenant, you ript up every past offence, inflamed your Council, broke the seal of private confidence, and occupied every hour in offensive prosecutions; inactive, and unprepared against public enemies at your gate.

" You courted the decay of an important revenue in the *Jaghire*, though famine stared you in the face: You persevered in a mean appliance to the wishes of the *Nabob*, and gave him his annual term, clear of any conditions, affecting the repair, and the general improvement of the land: You had him at your mercy; and were apprised, that his term had been shortened, by our express orders, because conditions were necessary, to make one of longer duration, safe; conditions which he would have accepted, if you had pressed him at this critical moment.

"In your connivance at *Lally* in the *Guntoor*, you followed the pitiful model of your predecessors in 1775;—spun the debate, and chilled with idle scruples the policy of immediate enterprise:—You saw the *Guntoor* your own, by the *fair spirit* of your treaties: You had the full, and clear authority of *Bengal* to repossess that invaluable station: Yet, with full and perfect notice of its command over the *Carnatic*, you refused the voluntary cession of it by the occupier, *Bazalet Jung*, upon terms of just and liberal compensation to him.

"You refused a Lease of the *Guntoor* to the *Nabob of Arcot*, though he threw into your lap an increase of revenue, though you could still guard it with your own troops, and though he would have accepted of it upon the terms of relinquishing the bargain, at a word, in the event of our disapprobation.

"You saw that *Hyder* looked wistfully at this important *Circar*: You had even explicit information of his designs upon it; but you feared him, and would not march your troops for the very purpose of guarding it against him, because they would pass, of necessity, through a little corner of the *Cuddapah*, his recent conquest: You knew that his Politicks were hostile to your Government; that he had formed leagues against you; and that he waited only for the most judicious moment of drawing the sword:—But you looked into *Puffendorf*, and forgot the unwritten code of self-defence.

"You did not even *attempt* the remission or diminution of the *Pescush*; though it was a volun-

tary boon of ours, in better times, accompanied with an assurance on the part of the *Nizam* that it never would be enforced; though aware that you *could* not pay it; though it stripped *you* to your shirt, and clothed your Enemy. Look at the Government of *Bengal*: What have *they* done with it?—They have *suspended* the *whole* of it, as long as the War shall embarrass them.

"You stooped meanly to the *Nizam*; while the Council of *Bengal*, animated by another spirit, a *Hastings* at their head, spurned at him: You were duped by your Agent, and made *his* fears your own.

"You enslaved yourself to the Government of *Bengal*; though, if you had looked into the Records of the Service, you would have seen that, upon similar occasions, we had supported our inferior Presidencies against a similar insult.—By your silent acquiescence in the imperious conduct of that Board, you confessed all your influence and credit gone.

"You strained every nerve of an exhausted supply, scarce equal to a Peace establishment, as if *Hyder* was every moment in the field; you followed the advice of the *Nabob*, and assembled an Army fourteen months too soon, at a ruinous expence: *Hyder*, at his Capitol, smiled at your folly, and profited by this idle waste of your strength.

"You encouraged, inflamed the *Mahratta* war, and flattered the vicious policy of our misconceived opinions upon that subject; played into the hands of *Bengal*; and having written, as we are told, a very able Protest against the madness of those poli-

ticks, you kept it in your pocket: You dishonoured us, and feared the obstinacy of our prejudices."

Thus, and thus, I could have accused the same Culprit, who is now to answer for principles, and measures, the reverse of these.—*Let* him answer for them;—not with claims of *indemnity* alone, but with *merit*, and *public services*.

He wishes that no technical points of advantage to his cause may degrade the honest pride of it, and stands upon as broad a line of equity as the Accuser dares to adopt against him. He has opened his whole *Indian* life, arraigned, or even touched, by the calumnies of suspicion, prejudice, and popular envy. He is a *man of honour*, addressing *men of honour*; and in *your* character he folds up his own.

I have to thank the House for its indulgence to me; though I wish, upon *his* account, as well as my own, to guard them against any impressions of the time which I have taken up, as an idle and wanton abuse of their patience.—The Accuser opened so wide a field, that I could not abstain from this ample vindication.

The pathetic words of *Tully*, to whose eloquence the *persecuted* were never suitors in vain, shall close my defence of a *persecuted* man.—Part of them is too applicable to his early fate; and the rest points to that generous atonement for it, which is due to

the publick, as well as to *him*;—a debt, which those who are the Guardians of private innocence and public honour will, I trust, feel, and approve it *their* peculiar office, to pay.

"SATIS DIU FUIT IN MISERIIS, JUDICES; SATIS MULTOS ANNOS, EX INVIDIA LABORAVIT: NEMO HUIC TAM INIQUUS, CUJUS ANIMUM NON EXPLETUM ESSE PUTETIS.

"VOS, QUI ÆQUI ESTIS OMNIBUS, QUI, UT QUISQUE CRUDELISSIME OPPUGNATUR, EUM LENISSIME SUBLEVATIS, CONSERVATE HUNC VIRUM; RESTITUITE MUNICIPIO INCOLUMEM; VOBIS IMPERPETUUM, LIBERISQUE VESTRIS OBSTRINGITE.

"VESTRUM EST HOC, JUDICES, VESTRÆ DIGNITATIS, VESTRÆ CLEMENTIÆ; UT VIRUM INNOCENTEM HIS ALIQUANDO CALAMITATIBUS LIBERETIS; UT OMNES INTELLIGANT ESSE IN CONCIONIBUS INVIDIÆ LOCUM; IN JUDICIIS, VERITATI."

SPEECH

OF

MR. HARDINGE,

AS

COUNSEL FOR THE DIRECTORS

OF THE

EAST INDIA COMPANY,

AT THE

BAR OF THE HOUSE OF LORDS,

ON TUESDAY THE 16TH OF DECEMBER 1783.

FIRST PRINTED IN 1784.

*** This celebrated Speech was justly distinguished in merit at the time of its delivery, though the Orator in that stirring time was elbowed on all sides with the most brilliant competition, and which assuredly displayed powers never afterwards equalled by him in any essay of his eloquence, either forensic or parliamentary.—It is now re-printed from a copy communicated by the learned and eloquent Judge. "My ambition," he says in a Letter to Mr. Nichols, "flames in my old age, instead of putting on its night-cap and going to bed. I have discovered in *Chaos* (a modest name for *my papers)* a copy of the Address to the Lords, which I made as Counsel at their Bar, in opposition to the celebrated *India Bill* of *Charles Fox*, who was of course to be my victim. Some of my partial friends have made it a point with me that I should republish it; and I should think you would not refuse to honour me by accepting it into your volumes, to accompany my 'Charges in Wales,' many of which I possess in virgin MS.—I send you more *Charges*, just as I pick them up. I shall prefix to them a few lines of apology."—This, unfortunately, he did not live to perform.

SPEECH, &c.

MY LORDS,

I AM Counsel for the Directors of the *East India* Company, and have the painful honour to support as an Advocate, rights which I feel as if they touched the dearest personal interest of my own: for, though an obscure man, I have this interest and this pride, that I am one of a Community which is bond or free as the few pages in my hand shall find their way to the Records of Parliament, or be intercepted by the Guards of the Constitution planted here.

There are critical periods (and this I can too safely assume to be one of them) in which the office of an Advocate would be a curse and snare to public freedom, if he should fear to call Oppression by its name, from whatever hand it may come, till it has the weight and stamp of enacted Law. Guilty of no such criminal fear, though a Minister great in office, and great beyond example in the ascendant of his personal character, moved for this Bill in the other House (with a purity of intention to which every

possible credit is due), I took the liberty at the Bar of that House, in the face of that Minister, to accuse the Bill, of injustice unexampled, and a death's blow to the liberties of the Government. A majority of that House (with motives no less pure) have passed the Bill; and yet, my Lords, at this Bar I draw the same picture of it.

SPEAKER. We do not know what passed in the House of Commons.

MR. HARDINGE. Here then, my Lords, the Bill may sit for its portrait; and *here* at least I have no flattering colours to soften one shade of its deformity.

If I could suppose that your Lordships would pass the Bill, and it were competent for me, this gown upon my back, to be heard at the foot of his Majesty's Throne, I would there deprecate the impending blow, respect the *motives*, protest against the *act*, at every personal hazard.

Necessity, my Lords, the assumed virtue of the Bill, is our unwelcome plea, if the tone of this appeal should be, like the injury which it meets, of the first impression here;—if it should rise to a more animated strain than lighter occasions would claim or excuse.

Forgive me too, my Lords, if I breathe too pure an air in this place to lay an unbecoming stress upon the dignity of the parties concerned, upon their peculiar merit, upon the value of their stake, or upon the melancholy but sure conviction, that if the ruin should fall upon their head, the foundations of the Government will sink under it. I shall

at least *begin* my address to your Lordships, with broader principles and with manlier hopes. Let it be upon the shelf at present, and forgot, that I stand for corporate rights, acquired in their infancy by that spirit of commercial adventure, which is the right hand of our political strength;—forgot, that charter upon charter to this Company have been purchased by contract for value;—that we have enriched our wealth by theirs, and raised our National honour by their services in the field—*achievements* unequalled in the history of the world, and *services*, how compensated? By an act of injustice, which a perfect stranger, a beggar at your door, would feel as an insult, and would be sure at this Bar to repel with effect.—Let it only be remembered, that I plead for individual subjects of *Great Britain*, stripped of their legal franchise, without one shadow of specific imputation proved, or stated against them; and if this can be said with truth, let me ask, where is that property, personal freedom, or character, where is the limb or life, that innocence may insure to any of us for an hour?

On the other hand, Counsel against every *material word* of this Bill, may I not examine the enactment, as well as preamble of it; and the enactment in all its parts—the forfeiture imposed—the power assigned—and the new hand intrusted with it? May I not examine the *safer custody* (as it is called) of this jewel, taken with so little ceremony from the owner's hand, in order to be "*better kept for* him *by others*"—by *seven*—what shall I

call them?—*Commissioners of Lunacy*, and *Commissioners of Bankrupt*—by *seven Guardians* of this *Political Infant—Guardians*, who are to make him a cypher for his own good, *four* years, and at the end of that period, *if they chuse it*, are to let him be of age? The policy of this Bill is the sole plea attempted in support of it. May I not meet that policy, and grapple with it? May I not set upon the other side of the account a despair of the public safety, if such a Bill should pass? May I not plead against it from History, from the principles of our Constitution, from the jealousy of this House against precedents injurious to common right; and most of all, from the natural frailty of the human character, tempted by that strumpet Power, seduced by the impunity of wrong, and corrupted by the wages of it? In self-defence, those for whom I plead are *Politicians* here. As *Culprits*, they must leap in the dark; at least I can see no hint of a charge which they are bound, or suffered by the rules of justice long received in this House, to confute by argument and proof. Yet in prudence, and in political honour, they are amenable to every popular suspicion that can breathe upon their character; for it would be a barren though a sure victory of their innocence at this Bar, if they were only to say, "We are not put upon our defence, we shall therefore make no defence at all; and whatever the Publick may think of us out of doors, we claim to be acquitted here."

I stand before your Lordships upon *three* grounds; and I feel them as firm to me as a rock, whether I

separate or unite them:—1. There is no ground of confiscation (legal or legislative) proved or stated in this Bill.—2. The Company have more than exculpated themselves against every suspected imputation; they have proved exemplary merit and ill-requited services to the Publick.—3. The remedy offered *kills* the patients, to *cure* them; and by a new disorder, whose infection spreads like a pestilence, corrupts the vital stamina of the public health, and shatters the whole frame of the Government.

When I touch upon the *first* of these topics, can I forget the peculiar province of your Lordships to interpose a judicial and appellant controul over injuries to common right in every form, political or legal? If the Commons impeach, it is for you to hold an even scale between the Accuser and the Culprit. If a *Bill of Pains and Penalties* be received into this House, are your Lordships less vigilant over the rights of the subject committed in such a Bill? Where a *Bill of Policy* takes in its course forfeiture and punishment, imposing an *attainder by the bye* (if one may give it so ridiculous a name) upon parties unaccused, are you to be disarmed because the *penalty* is *called* an *instrument of reform*? No, my Lords: Upon every such occasion I ascribe to your Lordships a Judicial controul in your Legislative capacity.

To this House the *India* Company (Director, Proprietor, and Servant, made *one* by the oppression which has united them)—to you, my Lords, and that pure spirit of honour which is the ruling

feature of your character, address their last, and solemn appeal.

Thunderstruck by this blow, and stung by the insult of it, they can with difficulty estimate the value of their loss, or take measure of the ruin. I shall attempt a general, but correct view of it. The Company have at this time valuable rights of Empire and of Commerce; they have the order and government of them under certain regulations; they have an exclusive trade and revenue, which is their *property*, if the sixpence in my pocket is mine. That which gives them these rights, charter, public faith, and contract for value received, gives them also the right of chusing their great accountable Officers in every department, and an immediate controul over these objects of their choice. I take this to be the government of the *East India* Company, and the Bill in my hand is a *dissolution* of it. Checked and regulated often, the general *right* and the general *form* of it have been sacred for upwards of a century past. The Bill puts them to death. Suppose a Bill should say to the Constituent of the Commons, "*You* shall not elect again—the Commons are no longer to sit as *your* Delegates; but we shall chuse them into a better House of Commons; and out of the new Parliament, so modelled, *seven Directors* of the Legislature shall be a Cabinet-Parliament, amenable ultimately to us alone." I ask, if that would not be a *dissolution of the Government by King, Lords, and Commons?* The King would remain; the Lords and Commons, or

I should say, the *name* of them, would live; but the *Constitution* of that Government would be no more. What says *this* Bill? It says to the Constituent of the *India* Director, "You shall no longer elect him." To the Representative, "Your election is a political nullity; you are from this moment out of your office." To the general right of all the parties interested, "Every sixpence of your purse, and every feather of your power, shall be *ordered* and *regulated* by us, the Parliament, without controul, and without appeal."

I must, however, do justice to the balm which has been poured into this wound, and pay due honour to certain "*arrangements of delicacy*, which have softened the measure, so as to make it no longer injurious, though it might have given just alarm at first." Here, my Lords, I am to request, before I state what can be only conveyed in terms of ridicule, that I may not be charged with such levity upon serious topicks. I am not the jester, my Lords, and the ridicule is none of mine; it is the ridicule of insult, armed with power and aggravating injustice.

The Advocates for this Bill in its *improved* and *more accommodating shape* have said, "Pray do not be alarmed; let your slumbers be as light as ever; your *exclusive trade* and *revenue* are still your own; it is *in trust for you*, that Parliament shall act—*responsible* to you, in their virtue, in their tried integrity, not in their *power*; for there it *happens* that you will, and must find them *absolute*; their *conscience* will bind them to your interest with more delicacy and equal security.

" But other scruples occur: it may be said, that your new Directors appointed by this Bill are too political for commerce, and therefore they shall *only* have the *sovereign controul* over a Commercial Board, who are to be cyphers themselves, except in the power to *advise*. To make such mere Statesmen as the new Directors a Board of Commerce, would be an act of extreme injustice and folly. They cannot meet without ridicule, even to *debate* upon what they cannot understand; but they shall *enact* every commercial arrangement, with or without the approbation of these drudges, and clerks in office, who may enlighten, but must not guide them! may *talk* to them, but have no claim to be *heard*.

" We have more *indulgence* yet in store for you, the Court of Proprietors. It is natural that you should love to meet and chat over your own affairs, when your all is at stake: Do not be alarmed, or imagine this freedom of *conference* touched by the Bill. You shall meet as before: The Bill even at first enabled you to confer *twice* a year; and in the Committee this *two* has been changed into *four*." Nay, my Lords, to heighten the ridicule, if it could be heightened, I have heard it a solemn topick of popular discussion, " Whether this Court shall meet *four*, *five*, *six*, or *seven* times in a year?"— " Meet?" they ask, and for what purpose? " To hover, like departed shades, over the favourite scene of our life, and lament our untimely dissolution."—" I beg your pardon," says the Bill; " you

may *suggest* ideas of your own to those who have the power in their hand. If they laugh at you, and reject wholesome advice, you may address the King, and the House of Commons; that King, who has no sceptre in his hand upon the subject; those Commons, who, by their Delegates, have done you the wrong.

"But a very dangerous misconception of the Bill has gone forth: We must undeceive you in time, and we do it with pleasure. You are only to meet *four* times in a *General Court*, and as forming it yourselves; but meet in God's name *any where else*, and as often as you have a mind.—*Salisbury Plain, St. George's-fields—the world is all before you*; talk of the new Bill, the new Directors, or of any other subject, without prejudice to your *allegiance*, or the *King's Peace*.

"We at first indiscreetly represented your Citadel in *Leadenhall-street*, as taken by force, like a town beseiged; your *securities for money*, and your *loose cash*, fell to the conqueror. The expression was harsh, and the sound of it invidious. It was treating you as a *bankrupt* upon his last examination at *Guildhall*, to ask for your watch, rings, and pocket-money. We have corrected the levity and seeming insult of the words. No little circumstances of plundered property are enumerated: *all* that you have in the world (a gentler phrase) will henceforth be *collected* by *seven Receivers*, and employed by them for *your benefit*.

" But we forgot another *very interesting* accommodation to your prejudices. The title of *Director* shall be retained; and that of *Commissioners*, which perhaps gave you offence, obliterated."

Such are the *arrangements* for the benefit of *Proprietors*, who, in the original *title* of the Bill, have precedency over the *Publick*; though in the very first clause of it they are sunk, and the *Nation* described as having the whole stock of the Company, who are stated as the mere stewards and bailiffs of that estate.

The Government of the Company thus *dissolved* for *their good*; — say the Company themselves, " We do not happen to like your *benefits*; why are these *blessings* forced upon us?" " Your answer is *here*," (says the Bill, pointing at the first clause). We have heard of *expert rotisseurs*, and of murder *secundùm artem*: the first clause of this Bill is a most accomplished master-piece of that science. The Company are just *accused* enough to be held up as delinquents of state, and just *unaccused* enough to have no refuge against the calumny insinuated. I implore, as *mercy* to them, that some of their bitterest enemies may accuse them face to face at this, or any Bar, in terms which they can meet, and fairly encounter. Last year, my Lords, what passed where I stand? Cheering sounds to public freedom were heard in this place, upon the subject of another disfranchisement, affecting the corrupt Electors in a Western Borough. There too was a *Bill of Reform*; and there too, because the

disfranchisement was to be the *road* of that reform, an attempt was made by some to impose upon this House lighter evidence of the guilt. What said one of the first Oracles in the kingdom upon that occasion? "They shall be heard in every period of the Bill, against every part of it: strict and accurate proof shall convict them, or not a hair of their head shall be touched." It was nobly said. Better is it, my Lords, for the community at large, that floodgates of bribery should be opened, than that one individual should be divested of his legal franchise in this or any Court, unaccused, imperfectly heard, or upon imperfect evidence.

As Counsel for the Directors, I looked with keen eyes into this little volume of their *punishment*, for some traces of their *guilt*. *Safe* in the first clause, I saw them *out* in the second, and *first accused* in the eighteenth; accused there *alone*, and even there in terms not very definite; accused, of connivance in general at the misconduct of their servants employed in the *East*. Having made this discovery, I engrafted upon it a petition for two little favours: 1. that such an *error of the type*, in shifting this clause out of its place, might be corrected, and what *appeared* in page the *seventh* might resume its *natural* position in page the *first*:—2. that any one, two, three, or four instances of the misconduct imputed should be adduced, and the Directors put upon their defence. What is the *mercy* of the Bill in its present form, by way of answer to that request? *Una litura*; the whole charge against the

Directors swept away. My Lords, I feel no thanks to the Bill for so *cruel a mercy*. As a record for posterity, the *improvement* is the worst of it (for that posterity, which I trust in God that no such Bill can reach); for, if this clause had remained, it would have left the semblance of a definite charge, and after-ages could imagine that it might have been supported by some kind of proof.

I may be told, "that I beg the whole question, the Directors being the *Managers* of the Company, and *mismanagement* the imputed source of those troubled waters, in which the Company have been almost overwhelmed." If the Directors had been the *sole* Managers, I should own, that here they would meet something like an accusation levelled immediately against them; but I would then say to the Accuser, "Point your charge in terms a little more specific, and bring forward your proofs of it."

A case occurs to me as parallel to this.—Could a Minister be put upon his defence against a *general* charge of *mismanagement*? I shall be answered, "that he could *not*—upon *Impeachment*, because there every imputation must be definite, and clear." "Could it then be done (I would ask) in this oblique way? And could the King be disarmed of his power to choose a *new* Minister, because *a Bill of policy* should acquaint him that one of his *present* Ministers had in some degree or other (perfectly indefinite) abused his power? And could it be an inference drawn from such a recital, not that he, the Minister, should be impeached, and should an-

swer for himself, but that his Majesty should answer for him, and should agree to a dismission of him by Parliament (usurping the Regal power), and should not appoint *any* Minister again? Would such a Bill be endured?" And yet I challenge the wit of man to distinguish it in fair analogy of principle from the Bill at this moment before the House.

The first recital of it is, "That *a fit and immediate remedy* must be applied (not *this* remedy *in specie*). *Disorders* have long prevailed, continue, and increase; *probable* (not certain) ruin will fall upon the Company, if *some* fit and immediate remedy is not applied." What are these disorders? How long have they *continued*? Why is *this* remedy fit? How much, and where, has the disorder *increased* of late?—What can be more indefinite than its *age*, the *size*, or the *nature* of it in the Bill? and how can the Culprit meet such a vague description of his guilt?

But who *is* the Culprit? Is it remembered into how many distinct classes the amenable character is divided? Will it be denied that, for example, the *Directors* may be innocent, and even held innocent by the Accuser himself? The *Servants* abroad may be innocent, or the *whole* guilt may be *theirs*. The Court of *Proprietors* may alone be responsible for the abuse of their controul over the Directors, whom they appoint. The *Minister* of this country for the time being may at least have an ample share of the guilt. From the year 1773 it has been *proved* at the Bar, that Administration

has in fact exercised the uniform power of revision, controul, and assent or dissent, at will, over all the regulations of *Leadenhall-street*. I claim for every one of these parties, that each of them (the *Minister* inclusive) should be heard, and according to their delinquency punished; but that every *general* right, though abused, should rather be guarded against future abuse, than exterminated.

One glaring advantage to injustice and oppression will be sure to arise from so desultory an attack. Indolence and prejudice brood over it. With *one* of the various Judges who sit upon it, Mr. *Hastings*, a servant of the Company, is the sole Culprit, and *his* guilt is the corner-stone of this revolution: With *another*, it is the distress of the Company's purse.

"*Let them look to their Bond;*" they are *Bankrupts;* they have been so called upon the exchange, by a singular *mistake* of the most luminous understanding that ever enlightened a public audience. And yet, since that *mistake* has been set right, new attempts have been made, though all of them failed *(and many of them with some degree of ridicule)*, to represent the Company as being, to certain purposes, and upon certain principles of analogy, *in the nature* of *Bankrupts*. Many too have been the imputations thrown upon their account; and their ingenuous anxieties to vindicate their finance from calumny have been treated with insult. A *third* strange ground has been taken up: "This Company (we are told) was formed only for commerce, and is

equal to that subject alone; yet they have *suddenly* (as if it happened *yesterday)* slipt into politicians." We are told, "that it is an abuse of terms to set up their *property in dominion;*" and from those premises the inference attempted is, "that as little can they exercise *dominion over their property;*" for they are treated by this Bill as perfect ideots in the *Commercial* as well as *Political* Office.

How can the Directors, for whom I stand, oppose this variety of topicks, when, as *motives* to the Bill, or even as *arguments* for it, they do not appear in the Bill itself, or in other visible and palpable forms? Yet I shall readily meet them all, and meet them as if *preambles* to the Bill; for sure I am, that if they fail in that situation, your Lordships will not give stamp or currency to them in a more questionable shape.

If the Bill should say, "that *all* who *can* have been delinquents, have been criminal *in fact,*" I should ask, "How criminal?" and call upon the House to compare the degrees of their guilt, as measured out between them, to the extent of the remedy, as affecting *all* of them.

If the Bill had said, "that *one* of the Directors alone had been criminal;" I should say, "Prove it; punish *him,* spare the rest, and save the right."

If *mismanagement* is the sole ground, and a degree of it (as we have been told) which this Bill can alone correct, compensating by general good for injustice to particulars; "Prove it; give me your facts, and I will reason upon them without fear."

My Lords, I lament with deep concern, that we are to buffet again, at every turn of the partizans for this Bill, that stale and pitiful catchword of despotism, the word *necessity*;—a word of ill-omen'd sound, which threw us into a Civil War, lost a King his head, and scourged us with a Tyrant House of Commons. Where *necessity of State* operates at all against the balance of power, it levels every order of subjects; abrogating Law, and the letter of the Constitution, with common assent. As it was correctly and ably said by one of the Counsel who preceded me, such a necessity never can operate between the several members of one and the same *existing* Government; but must act upon a *dissolution of it*, real or assumed. It has been truly called "*the Tyrant's plea*;" and as truly called, for another purpose, "*the Patriot's plea.*" It is both; but how came it, in this country, to be "*the Patriot's plea?*" Instructed by the Tyrant, he flung the word in his teeth.—Subjects have *their* necessities too. The *Civil War*, and the *Revolution*, were *necessities* of the Popular scale, which counteracted the abuse of the term by the Sovereign. But shall it be said, that *probable ruin* to Liberty will justify a *second Revolution?* I will at least never say it; and yet I would for ever insist, that no degree of necessity can justify the Sovereign Power in wresting from the Subject his legal right, (without an equivalent), short of a given degree, which, if the tables were turned, would justify the Subject in rising against the Sovereign Power.

But prove such an extreme, irresistible, and fatal necessity here. It is not attempted in proof; it is not averred in the Bill, though assumed in the argument. Perhaps, in the case before us, we may define it thus: "A necessity much too strong to admit of delay, from the time it will require to make it appear."

Your Lordships will, however, be too dull to avail yourselves of Lord *Clarendon's* hint upon the subject. That sagacious Writer and Statesman says, upon the case of *ship-money*, that it was ill-managed. "The partizans for it (according to *him*) should not have dishonoured the Law by corrupting it so as to make the Tyrant carry his point in that shape; they ought (says he) to have come into Parliament, and there have declaimed upon State-necessity; for there a little eloquence well applied by the Oracles of the day would have softened the alarm." He quotes a passage from *Thucydides*, which imports, "that acts of mere *violence* offend less than acts of *injustice*; because the latter, coming as from an equal, *pique* and *affront* the suffering party; the former, proceeding from an acknowledged superior, are more easily borne." But here, my Lords, I can see many Oracles of that Law which Kings have corrupted in worse ages of the Government, and who will scarce be less tenacious of their Judicial province *here*, than sitting in *Westminster Hall*, where no little or dirty politicks can reach them.

When I speak of *probable* ruin as amounting to a political necessity, I cannot forget the word "*spe-*

culative," not very unlike it, which I believe may be found the epithet of another *Indian* Reform, and standing, at the moment in which I speak, upon one of the many Records in this House which glow with characters of public virtue.

"Where has this *necessity* been so long asleep?" was a question asked in the case of Ship-money; and it is too applicable here. It was there said, "We are just come to the end of a war; could the necessity have slept in the course of that war? and shall the discovery of it be first made by the peace?"

If the disorders which are insinuated have *long prevailed*, this Administration would have resigned their offices by the same argument, in a *fabulous* case which I am going to put. It *might* have been said in 1781, with *no prophetic spirit*, but with some *colour* at least for so *ill-bred* a supposition, "We do not like to intrust you, the new Ministers, with a dangerous power. We have seen that power which you have wrested from others much abused; and we are not *sure* that you, the *new Directors of* the Publick, may not be reconciled hereafter to the *old*. We cannot be *safe*, unless we bind you with strong fetters, and guard ourselves against the future corruption or abuse of that popularity which at this moment you command." Had such *visionary* fears been accomplished at the hour in which I speak, and the check had been omitted when the power had been first given; I could say to the Ministers of the day, as the Bill argues here, *mutatis mutandis*, "The *American* war is *one* disorder which has *long*

prevailed, and whose mischief operates at this hour. The *influence of the Crown* is checked at present; but it may return in other shapes, and worse. The *Ministers* have done this; and if the King is to choose his own Ministers again, we can have no adequate or permanent security." One of the Ministers (the *new* and the *old* thus incorporated) would say, "I am a *new* Director; it was not *my American* war; I voted against the corrupt influence of Place and Pension; I would have reformed the Parliament if I could," &c. What is the reply? It is like that of this Bill: "*Some* of you had a hand in the political disgrace and ruin of twenty years past. Our censure cannot with safety make little differences. You have *some* of you done irreparable wrong in your capacity of Ministers; and you are *all* of you now Ministers in harmony together. The King chose you into your office; he must choose you no more; *we* must choose our own seven Directors of the Government, our Delegates and Representatives, amenable to us alone, whose power is absolute."

Many other illustrations will make the fallacy of such reasoning familiar. Suppose it said (which happens to be the fact) "that there are disorders at every General Election; that a corrupt intercourse has too often taken place between the Candidates and the Voters; that a *fit* and *immediate* remedy should be applied: *wherefore be it enacted*, that no such Elector shall choose into Parliament any more." —That leap, my Lords, was carefully shunned in a

famous *Bill of Reform* applicable to the very subject last year; a Reform, which infused new life into the vital parts, but saved every existing right from the hand of Power.

I said, that Servants of the Company in general were some of the parties responsible for the disorder, if it has happened in fact. Mr. *Hastings* is one of them, and more at least has been said against *him* than against any of the rest. Yet, which is not very fair treatment of the Directors, he himself, who has been one minute arraigned as counteracting the "*pure system of their ethics*," has been quoted in the next breath, as reflecting upon the impotence of their Councils. — That *great and good man* courts prosecution, but courts it in vain; yet *his crimes* are to justify the Bill. Not that we can find them so treated, or find them at all *in* the Bill itself. They are circulated, however, in streets and highways, to depreciate his popularity; and factious calumnies, levelled at him, are to give the Bill a helping hand. Is it then fit, or is it not, that he should be heard at this Bar by his own Counsel? Is it no injury, no dishonour to him, that Scorn should point her finger at him, and say; "You, who owe your consequence, your power and fortune, to the Masters you have served, are the party whose guilt has been made the sole or chief plea for the *dissolution of their Government*." I have heard of rumours, that in *due time* he is to be put upon his defence. Will such a Bill as this be of no prejudice to him *then*? Suppose, on the other hand, that his

perfect innocence and exemplary merit should appear in that cause; what must then become of this Bill, founded upon his guilt? Will Parliament repeal it? Will those who have swept such powers into their hand surrender them? Yet, if he desires *now* to be heard; "You are not accused," will be the answer. If he should lay by, and say hereafter, "I had not an opportunity of being heard when the Bill passed," the Legislative Justice of the Country will answer to him, "You are convicted by this Bill; the King, Lords, and Commons, *could* not have passed it, unless they had believed your guilt, and thought it even too clear for any *forms of proof*." My Lords, I claim this for Mr. *Hastings*, and for the Directors too. Let his guilt be deserted as a foundation of the Bill, or let him be heard at this Bar by his own Counsel against the direct and open charge of it.

"But what has the guilt of Mr. *Hastings* to do with *us*?" the Directors may ask. "You have continued him (it may be said) in a distant office of power almost absolute; you have tempted him by your connivance into a thousand acts of despotism and rapine."—"That we have continued him in our service (they will answer) is true; and we have done it upon a general view of his important merits, though we have disapproved some parts of his conduct. Not that we have *connived* at them; but we have covered them with his laurels, and have been less extreme to mark with punishment so bright a character; with a punishment which must have

ruined us, for all our hopes were centered in him, as the saviour of the Company."

"Had we no model for such a distinction? Had not we a model, which, though it was given us by the House of Commons themselves, we have copied only with caution, because unqualified no precedent could be worse?"—I refer to the guilt of another great Servant, guilt of a different size from the *Opium-contract* of Mr. *Hastings*, or the other picked hairs of that kind, if they were clear of doubt, and fallacy. What, my Lords, was the fatal conduct of a certain Assembly to Lord *Clive*, in the resolution which declared the fact of his guilt, and voted honour to him in the same breath? I read in it, my Lords, the most pernicious encouragement ever held forth to the rapine of the *East*, that indelible stain upon the *English* character. It was a curse upon the Company, that such a vote ever passed, built upon so new and so improvident a maxim as—"*gloriâ* justitiam *vincere*;"—a charter of impunity in oppression to all the accountable servants in the *East*; in a part of the world so distant from this, that nothing but strict and penal justice *at home* could reform the mischiefs of that circumstance alone. I agree to all the merits and services of Lord *Clive*; but his guilt was of such a deep hue, and the evidence of it so clear, that nothing could be so ruinous to the *East India* Company as the vote of his indemnity. It was guilt of more consequence than his *character*, and guilt confessed by himself in a singular tone of defiance to the justice of Par-

liament. I call that House of Commons to this Bar as Delinquents (if not the most criminal) to whom the disorders of the Company must for ever be ascribed. In the case of Mr. *Hastings*, the Company have so far copied this model, and copied it well, that, in their censure upon the *Rohilla* war, they mark a due resentment of disobedience, and their demand of stricter attention to them in future; but they honourably and wisely add, that Mr. *Hastings* ought, upon a general view of his character, to continue in their service.

When I touch upon this impunity of Lord *Clive*, may I not ask, *who* saved him? what *party* in the House of Commons? what *occasional majority*? whose eloquence and address lifted him to his pedestal, from the very judgement of his guilt?

But who are guilty of continuing Mr. *Hastings* in office? Not the Directors; but the Ministers of the day, who had the power of controul over him, in *fact*, ever since the year 1773, and as an article of *right* ever since the latter period of 1781. It has been proved at your Bar, that, in the whole of this period, not a single dispatch upon arrangements of any kind, commercial or political, has gone to the *East*, without previous communication to the Ministers at home. Whose, therefore, is the guilt, that from 1773 the Directors have resigned all their power, and have consulted the Executive departments of State in every measure they have taken?

Here too let me ask, if the Sovereign power, in whom the controul was lodged by the Legislature of

1781, is to be divested of it by this Bill? If yes, it can be only because that Executive controul has been abused. If it has been abused, how shall the Bill be justified, unless the King is heard, whose Ministers, the objects of his choice and favour, have so misconducted themselves? If the King is only to answer through his Minister, should not *that* Minister be accused, who asserted the right of controul over the measures which are criminated? But how is the argument shifted and mutilated here! The Minister is to be safe; but the King, for whom that Minister is bound by the Constitution to answer, must be disarmed *of his* power, to resume a controul executed for him by others, and abused by *them*. In this later period, since the year 1781, all that has been pressed against the Company, at least every material imputation upon them, was known to the Ministers, who had by Law an absolute controul over the subject.

It has been said, that Mr. *Hastings*, amongst other acts of contumacy, resigned, and canceled his own resignation. Was Parliament angry with him for it? Had the Minister complained of it long after he knew the fact? It is known to many of those who hear me, that Mr. *Hastings* again and again intreated the Minister of the day to recall him, if he could not be supported against calumny and selfish intrigue. It is known, that his application was resisted, from the sense of his merits and services. If any such Minister could now act as a political *second in command*, I would ask him, "Will you *now* do as *Major*, what as *Colonel* you forbore to do, upon

principles which, if they operated *then*, operate with redoubled force at this moment?"

When I called this injustice unexampled, I spoke with fatal accuracy. In the business of the *London Quo Warranto, Pollexfen*, the Counsel who argued it, observed, that never in the maddest of times, up to that period, the supposed guilt of a *Corporator* had stript or prejudiced the *corporate right*. He took the liberty, impelled by the occasion, to insist, as I have done, that every corporation was at stake, and the Government itself endangered by that pernicious doctrine. The decision, which his abilities could not avert, was reversed by King *William*,—by that King, whose memory this Bill tramples in the dust; a Bill, which goes many a bar's length beyond so disgraceful a record. The tyranny *there* was less dangerous, because it marked the offence; it heard the Culprit in a legal Court of justice; it argued from evidence, though its conclusions were desperate and wicked. *Here* the guilt assumed remains in averment alone—in general averment, and the parties who have life or death at issue have no evidence, or specific charge to meet.

I distinguish, however, between the Charter of this Company and that of other Corporations, in one respect. The same *kind* of necessity which may vindicate the Government in its resumption of this Charter will not have the same effect upon other Incorporated Companies, because *here* the Charter delegates a *Sovereign power;* and if such a power is abused, I agree to the liberal doctrine of the Coun-

sel who spoke last; I throw charters behind me, and look forward to the sole end of all human power—to the welfare of those for whom it was made, or suffered.

But in this case no distinction of that kind is to be received; for the Bill cuts down the whole tree: not a hint of *commercial* mismanagement insinuated, the *commerce* participates the fate of the *Empire*; *all* the rights of the Company, *Merchant*, or *Sovereign*, to direct their own concerns, are no more. —The analogy therefore between this and any other Corporation is complete; and the Bill enacts *a new principle*, which the Law disowns; for it makes the supposed guilt of the *corporate individual* forfeit the *chartered right* which *he* personates. Where is the Lawyer who will in these times dare to affirm that such a doctrine is *Law*? and, without pedantry upon the subject, I can state an obvious mischief or two that would result from it, if it *was* the Law. 1. Can it be just, that absentees, or those who dissent, should suffer the penalties imposed upon the guilt of the rest? 2. If a collusion takes place between the King and a majority or *quorum* for the secret purpose of enabling the forfeiture, can it be just, that such a *concerted* guilt, and *concerted* forfeiture, should prejudice those who are no parties to it?

As to the *libel* (for such it is) which intimates, "that a charter has been called *a parchment with a seal dangling at the bottom of it*;" what could I have given, that it *had* been so called in the House of Commons! because, there, a high character of

independence, and political as well as personal honour, have seated the *Whig Attorney-General* of the day, who would have crushed the levity of that flippant expression with all the weight of his eloquence and public spirit.

I lament the necessity of carrying your Lordships back to that infamous period, another *Eighty-three*, just a century ago, the date of this *London Quo Warranto*, in which Lord *Clarendon's* hint was overlooked, and Law was again chosen to personate the Tyrant. *Burnet* says, that "one *Saunders*, made Chief Justice for the purpose, an immoral man, was the chief instrument of that persecution." He names too the recently appointed Keeper of the Seal, through which the *reformed* and *regulated* Charter was to pass! But I, my Lords, will not presume to repeat his name, because he is the ancestor of a respected Minister in this age, whose *title* is the same, but who resembles only the good features of the *character;* which is, that, "he was a man of excellent parts, but crafty and mean." Through the artifice of those two persons this act of tyranny was accomplished. "The view of it (says *Burnet)* was to save the King from the fear of *troublesome Parliaments.*" (I hope they will be ever *troublesome* to Kings, *and Ministers too,* when they abuse their office.) The first Judgement was not ill calculated for the purpose of intimidating other Corporations: and it produced that effect. All the rest made a formal surrender of their chartered rights, and they were all of them *regu-*

lated: the terms, were those of slavery on one side, and rapine on the other. What followed these *regulations?* A series of tyrannies; and in five little years the *Patriot's necessity* came forth, operating with effect in that *Revolution* which I hope your Lordships will not suffer this Bill to impair. Many arguments of the two *Eighty-threes* are so exactly the same, that I do not always know which is which, and as my eyes are weak, am not always able to distinguish between the figure 6 and that of 7, which marks the difference of the centuries. *Molliter manus imposuit* was there, as it has been here, the insulting plea of this *political assault.* "There too, as here, "it is not your *property* that we touch: it is *only* the *use* of it, that we controul—against your will, indeed, but for *your own good* and for the single *purpose* of a *reform*, salutary to yourselves. You shall have your Charter again, *improved* by two or three strokes of our pen;—the *substance* of your corporate right shall be safe."—Who would have conceived it possible that such a banter upon common sense could ever be resumed?

I have now detained your Lordships upon the *first* and the most important branch of my argument so long, that I shall be comparatively short upon the *two* other topicks which remain for discussion.

The *first* of them is the value of the interest at stake, and the peculiar merit of those in whom the property resides: a topick—which has been so abundantly supported by argument, and so demonstrated by

evidence, that I should impair the conviction which I am satisfied your Lordships feel upon it, if I should expatiate, or dwell upon the particulars.

The interest and merit of this great Company are inseparable: no *just argument*, no *history* which has *truth* for its guide, can ever disunite them. Charters formed them and sustained them at first with a cold, penurious hand. But, as their services increased, the encouragement became a little more generous.—Too often, however, has the wealth, acquired by their commercial or political enterprize for the publick and for themselves, tempted the Government of that publick to deal harshly with them, and, after distressing them by one exaction, to make that very distress an after-plea for heavier demands upon them.—How many Charters have dropt insidious hints of an apprehension that *misuser*, *non-user*, or some defect (surmised, never expressed) had shaken the right! A *sum* has removed these difficulties: that sure opiate of the alarm, and sole end for which it had been ever insinuated.

As to their services in the war, it is no declaimer's topick to lay stress upon them.—The best Officers in the world have been trained for us by our *Indian* discipline.—Lord *Clive*, to whose military name I feel with enthusiasm the homage due to it, sprung from a writer's desk at Madras, and, animated in the service of these *despicable merchants*, became the first General of the age for *us*.

What shall be said of Mr. *Hastings*, the *Delinquent*? and what school prepared him for his pre-

sent character? Long the Servant of this Company, he has lived but for *them*, and for the publick united with them, sustaining the most arduous conflict with enemies on every side, and factions at his own Board.—What *is* the *real* character of this wonderful man?—The *Chatham* of the East: an equal spirit of enterprize, the same resource, commanding genius, enlarged conceptions, and purity of character, will make both of them the idols of posterity, when their little adversaries will be too obscure for infamy to record them.

The capture of *Pondicherry*, made at the sole expence of the Company, obtained for us the only *acquisition* that we have received from the Peace.

I shall decline the invidious task of stating how the later differences between the Company and the Minister, supported in Parliament, originated—what fear on the one hand, or avidity on the other, has prompted an ungenerous advantage of little embarrassments.—But I will say a few words upon two innovations which have taken place within a very few years, because an argument has been drawn from them, which appears to me very insidious and false.

It has been said, "the same Charters are violated and resumed *pro tanto* in the *Dividend-Bill*, and the restraint imposed by another Act upon the voting right in the Court of Proprietors." I answer, that as to the *Dividend-Bill*, there was proof at the Bar of the just grounds upon which that Bill was framed. "We (said the publick) are your creditors to a large amount.—A part of your property

shall be locked up to a certain degree for a little time, that you may be the better able to pay your debts: you are now (and it was proved) wasting that property, and are dividing *more* amongst yourselves, when you ought upon every sound principle of justice and prudence to divide *less*." The Bill so explained was temperate, and wise; but it was not very *popular*. And if this House had foreseen that so dangerous an argument of supposed analogy could be ever engrafted upon it, you would have refused that Bill, my Lords, without a dissentient vote. Such is the danger of precedents injurious to *legal* right, though gentle in the *measure* of them, and just in their *political* aim. — It is perhaps wiser upon the whole to say, "Not a *hair of the head* shall be *injuriously* touched for *speculative* good in a *political* view, if the advantage of that precedent may enable the hand of power to-morrow, or a few weeks, or years, or a century hence, to *cut off the head*." — There, however, the Dividend was only reduced for six months. Here, a general restraint is imposed upon the power to make any Dividend at all.

As to the Bill which curtailed the voting right of the Elector, by the demand of his larger interest in the fund at stake; I, for one, cannot see the policy of its *enactment* (though its *intention* was good); for it proceeded upon the idea that, by restraining the number of the Electors, you made the corrupt abuse of the right more difficult.—I take the reverse of that principle to be correctly just, and approved by uni-

form experience upon the subject.—Here too, though I shall not with too fond a zeal triumph in the famous Protest upon that Bill; I will not forbear to express my veneration for those who have put their names to it; and will add, that if any of them can vote for this Bill—can desert their favourite mistress, LIBERTY, kneeling at their feet with a more earnest claim than she ever made upon them—she can say with another mistress deserted by her capricious lover,

" Xanthe, retro propera, versæque recurrite lymphæ."

I would now, my Lords, readily make *recital* and *preamble* of all the arguments which I have heard upon the subject; and I would in that shape have no doubt of convincing your Lordships that such a Bill cannot pass. I have heard a similar expedient used upon a similar occasion by one of your Lordships, and one of the most admired; but I am in vain to hope that I can use it with half the same advantage and address.

Shall it be said, " *Whereas* there is a want of due power in the Directors?" What shall be the inference? To give them *new* power;—not strip them of the little they have. They have in some respects *too much*, though *too little* in others; they have too discretionary a power over their Servants, and may *remove* them by the capricious breath of their absolute will.—Other powers vested in them by the earlier Charters are indeed reduced; but I remember that, in the *Quo Warranto* year, a right was given them to impose *any* penalties in a summary way.

upon a short case, and upon rules of equity; an arrangement which is too like the power given to the new Directors by this Bill; who are to form a concise epitome of their sentence, and lay it before the Parliament that chose them, the Parliament that must answer for them—and must answer for them *to themselves.*

Suppose it said, "*Whereas* the Court of Directors are too often re-elected" (which I conceive they are), let this vice of the system be reformed: and if it *can* be reformed without prejudice to inherent rights, need I ask if that should not be the line preferred? It may be said, "*You* then must point it out."—I say, "No; those who state the necessity of *subverting the Government* for the *benefit of the governed,* must prove the inefficacy of milder expedients."

If it be said, "*Whereas* the Territory has been acquired for *us,* not for *them;* and their political office, which does not suit *them,* has been recently usurped;" need I prove that recital to be false? Is it not familiar to the memory of your Lordships, that, long before the *Dewannie* was acquired, this Company asserted the political character? that, even before the time of King *William,* their charters treat them as having, and as deserving to have, in their own hands the sole use and sole order of an extensive Empire?

"*Whereas* the distance of the scene enables many acts of disobedience to the Government at home to be accomplished, either with absolute impunity, or with all the bad effects of it, because the

punishment will be too late."—The recital is true; but will the *distance* be *less* between the new Directors and the Servants abroad? That one great source of inconvenience to the Company's affairs may be found in this truth so recited, is indisputable, and agreed on every side. How to reform it, is a point of extreme delicacy. Sure I am, that *India* must be governed *there;* and I would rather give *more,* than *less* power to the Supreme Council of *Bengal,* if I could suggest an adequate and sure punishment of them *here,* for tyranny and corruption *there.*—But is it certain, that no arrangements upon that principle, and *worth* trial at least, may be discovered by unprejudiced men, conversant in the subject—which the new Directors are not?

If the "*whereas*" points at the "*influence of an Eastern Rupee* upon the *English* Proprietor in his General Court, or upon the Director chosen by *him;*" will the same *Rupee* have *no* influence over the *new* Constituent, and the *new* Representative? But I doubt a little of this corrupt influence as a fact, because it is very susceptible of proof, and there is not a particle of testimony attempted in support of the conjecture assuming it. Popular eloquence in the Senate *assumes* every thing, and leaves the dull task of *proof* to Lawyers at the Bar.

If it is an ill-concerted regulation, that a Popular Assembly may *direct,* as well as *controul* the Executive power; *first,* I answer, "Look at this Bill:" *next,* I ask, "Is it agreed, that such a political solecism may not, *with assent of all the parties,* be

corrected, so as to leave the Executive department less hampered?"

"*Whereas* they are *bankrupts*"—it may be said, —it *has* been said, my Lords, and upon evidence that would make *every* Merchant a *bankrupt*. I lament the use (or, I should rather say, the abuse) of so ticklish a word; because the injury which has arisen from it (wherever it was used, or whatever purpose of the hour it could have answered) was a violent shock to the Company's credit, and staggered the public opinion of it. But, if they *are* bankrupts (a *now* admitted falsehood, which I assume as truth for argument-sake alone), *may* it not have been calamity, the failure of agents, or the iniquity of them? Has it not been proved at your Bar, that most of their temporary embarrassments (and such alone they ever have sustained) arose from their services to this country? We are told, "It is the *right of creditors* to impound the whole fund, and pay themselves:" But let us examine the debt, and liquidate the account, that we may adjust the fair balance of it between *our* Government and *theirs*. What, if the latter owe to the former *one* million, but the former owes *four* to the latter? Shall creditors of a debtor who is *their* creditor to a larger amount, seize all his property, and controul every future application of it as they please? One thing occurs to me, upon this *bankrupt* state of the Company, as a little whimsical. The Bill is pretty impatient for the *good-will* of a shop in the *Gazette*, —pretty impatient for the empire of territories

which they describe as impoverished and a desert.

"*Whereas the face of Tartarus* appears in the Reports of certain Committees formed by the House of Commons, and shocks the reader of them"—What then? Are not these, cases of delinquency in the Servant, which demand proof against *him*, and against the Master as privy to it, before *their* guilt can wound or touch the corporate and general right? But was this "*face of Tartarus*" in a veil, or exposed, when *Lord Clive* escaped, and when others, who shared his guilt without his merit, jumped out of the pit upon the shoulder of *his* indemnity?

Upon such naked recitals, even if *preambles* in the Bill, which they are not, can the Government of the *East India* Company be divested of their power to appoint a *Writer*, and the Mate of an *Indiaman*? Is *all* their *commercial* authority at an end, because there have been *some* disorders in their *political* or *judicial* conduct? I have not found a syllable attempted in support of *any* interference with *commercial* arrangement, as it is now regulated by these *commercial* men, trained in the habits of it, and guilty of no *insinuated* abuse *in that quarter* at least. Here then is *one* palpable act of tyranny: You reform their *politicks* by taking their *purse*; and we may *suspect* at least that your pretence of necessity for *that* reform was artifice, when you tack to it the affected *reform* of something else, which you do not state as wanting *amendment* of any kind, and make your plea of *improvement* the tool of your own political influence.

But, assuming it necessary to dissolve the government by Director and Proprietor in their *present* form; I am now to examine the *substituted* machine, and see what benefit the Company will derive under it; or how, be that as it may, the Publick will *bear* it in a *constitutional* view.

First, I observe this, in the *remedy* offered—that it is just as indefinite as the *disorder*, and just as ably calculated for the purpose of giving an immediate answer to every Doctor who falls in the way of our *great Physician*. He consults the *Faculty* upon it thus: "We have here, Gentlemen, *a disorder;* I do not exactly know what it is (a good way to begin the cure!)—here is *my* cure for it;" and he produces the Bill. Says one of them, "I do not like to dethrone my King; I am a *Country-Physician:* The King is a favourite of mine." What is the answer? "Phoo! don't you see? The King is to have it—*in the end:* It is only for a time that *I* the *Minister*, and *we* the *Parliament* (*'Ego et Reges mei,'*) shall make use of it. In *four* little years" (a term which, if it proceeds *for a day*, will *never* be at an end) "the *King shall have his own again.*"—Says the *Town* Physician, "I am for the *College;* and against all influence of the King, or of his Minister, who, though he stands to-day upon Parliament, may shelter himself in the Regal office to-morrow, or at the end of these four years."—"Phoo! (says the answer) do you think Parliament, having such a power for this *nominal* period, will *ever* part with it for the benefit of the King, or of

his Minister?"—Says a *third*, "I like to entrust neither King nor Parliament with such a power: I tremble at the patronage, and the corrupt influence of it." What is the answer? "It is *pro hâc vice* alone. The Company, reformed by the model of our conduct in these four years, may and will be entrusted again with all their powers."—Thus agreed, they go to the patients in the next room, and *force* upon them the *Recipe* of *this Bill*, "which can alone cure every one of them, first or last."—But the cases are different. One has dropsy, a second has fever, and "I am *well*," says a third. The Physicians tell them, "they have no *time* to discriminate; the chariot is waiting for them at the door. *Some* of you are dangerously ill, and *some* incurable. We'll give all of you physick, or give you none, just as we like it" (I have seen a Charter of *Edward* the Second, granting such an absolute medical power to his Physician, "*volentibus nobis, aut nolentibus.*") "The main source of your *disorder* seems to be *intemperance;* and *seven* Doctors of our appointment, like *Sancho's* Table-physician, shall tell you what food you shall eat, or from what food abstain."

To the *Servants* of the Company another story is told. "Here is a cordial for *you;* go to bed, and sleep with delight upon your pillows; no retrospect here; this binds up every wound."

May I not, my Lords, a little more closely examine the seven *perfect men* who are put into this new office of Direction, amenable only to those who appointed them! May I not canvass their claim of

superior virtue and wisdom? Every *guilt of system* is to remain; but their purity of character is to compensate for the absolute licence of oppression, of corrupt intrigue, or of servile politicks. In the first place, I meet (and can scarce believe my eyes) *two* of the *Delinquents* themselves, who form *two* of the *seven* Angels. When I look at them in this Bill, I see the wings upon their shoulders; but, as appointed in *Leadenhall-street*, I mark their cloven foot. Infamous and execrated, as chosen by the Court of Proprietors, they commence favourites, and idols, from the moment that a Minister, and a Parliament favourable to *him*, shall have put their stamp of approbation on them! Of the other *five*, God forbid that I should say, because I do not feel, any thing disrespectful; so far from it, that, if I could have selected five individuals of merit *untried in this new department of it*, but of the most unblemished honour in their own sphere, I would have chosen *them*. I have the happiness to call the second of the list my personal friend; and with pride confess, that I am under many interesting obligations to him. The honourable Baronet who is another of them, adorned our profession with his abilities and liberal character: No man ever left us, more admired, and beloved.—But this I can say of them *all:* They are *men*—they are *Members of Parliament:*—They are friends to the Minister who has put them into an office of more value in the article of patronage than seven Cabinet-ministers have as yet, by virtue of their appointments, ever held.

They wish to perpetuate their own dominion (all men wish it; the human creature loves power, and can scarce help abusing it): they have political prejudices; they prefer their own favourite Minister; they have—I will not say, an implicit faith, but a partial confidence in him (they would be hateful if they had it not); they are Members of a Parliament which can reward or censure them *at will*;—there *may* be reciprocal arrangements of benefit, in the distribution of patronage, between *them* and such a Parliament—or *those who may govern it*.

If it ever *had* been said by a Minister just formed, "that Majorities must at any rate be had, and at any rate be kept;" if an Administration had been ever *built* upon that *principle*, and the first breath of their government had been *this* Bill; how would a common way-faring man like myself (who does not look far into consequences that are speculative and remote) have shuddered at the danger of the journey before him? Heaven be thanked, that *no such principles have been declared, or acted upon*: But *future* Ministers *may* declare them, and *may* act upon them. Give them this Bill if they *should* so declare, or *should* so act;—and make them *absolute* for ever.

The Constitution of this country never looks at the *power*; it looks at the *men*. No such monster of political perfection there, as a *Patriot King*, or a *Patriot Minister*. Said my Lord *Coke*, "I love the King well, but I chuse to meet him upon record." As to the Ministers of our day, every thing is chaste

and holy in that quarter. I, for one, believe in all their liberal promises; I have an easy and credulous faith; it is my temper; yet something whispers to me—that I had rather be *safe*.

I may be told, "at the worst, it may be a tyranny of three or four years." But first, I would ask, What security, that, with absolute power in his hand, the Tyrant will *chuse* to abdicate when his four years are passed? Nor can I forbear to remark upon one circumstance in the term of this period: Short as it is, it *happens* to survive the next General Election.

Counsel for all the parties interested and competent in so political a suit, may I not press my argument against the fatal influence of this Bill upon the liberties of the Government? An influence which I surely may deprecate without offence to the House of Commons, because even our *Statute Book*, in some of its later pages, enables me to say, that *Regal* influence upon that House, exerting itself in its *genuine shape*, is an evil which the Country has felt, and has reformed. But, if the door has been shut against *Regal* influence; if the ornaments of a Court which never had much parade in it have been so pruned and pared away, to guard the purity of the Senate; will you now, my Lords, open the wider gate of another influence, beyond comparison more alarming in the nature of it—and perpetual, if it can exist an hour? Will you build upon the ruins of a *Regal influence* (truly described) amenable to controul, the *Regal* influence of a *subject*, responsible to no power upon earth?

As to the controul over the Servants of the Company—it is *less* than it was: The double check upon them, which resided in the Court of Directors and the Parliament, is taken away;—the substitute is Parliament alone; whose check over its own Delegate is ridicule in terms. In this view, my Lords, the *Reformer* shifts a responsible power, which he states to have been grossly abused, into an irresponsible hand: For what is the favourite argument of the Advocates for the Bill? When asked "why the Court of Proprietors are to answer for the Directors, and for *their* servants;" they have answered, "Because that Court chose the Directors." Who then will answer for the *new* Directors and *their* Servants? who, but the *new* Elector of them?—which new Elector is the Parliament—"But answer to whom?" To the Sovereign power, of course, which is the same responsible Parliament—*responsible* to itself.

"Why too (one may ask) is the arrangement of this elective right so mutilated? Why is the King to have *any* power at all, if he cannot be entrusted with *more?* Why to have a nominal influence upon a possible vacancy during the four years?"—It has been said, that his influence, though *diminished*, is also *increased* by this Bill. So it is, *upon paper*, but in obvious effect only *diminished:* It is *a Lease for years* in the Parliament—or in those who can make Parliament their own—with a remainder, at the option of *the Lessee for years*, in the King, or any other part of the Government. In vain has the *dangerous* influence of the *Regal office*, in its

genuine form, been stifled, if the *good*, and the *popular* influence of it in opposition to a daring Minister (assumed for argument) is taken away, and the influence of that Minister in Parliament is made perpetual. The Bill in this view of it *accroaches the Regal power*, and makes the King a Viceroy to his Minister in Parliament (I mean to a *future* Minister in a *future* Parliament). It is no longer the constitutional influence of a Minister through the King, and responsible for him: but it is the Regal influence of a Minister, paramount the King, in the House of Commons; and the Democracy of a single room in the hand of that Minister alone.

Is the *patronage* transferred into this new office an article of no consequence to the purity of the Senate? I should be sorry to look behind the curtain of any Minister's cabinet;—but, if your Lordships were now to find yourselves in that situation, you would see importunities upon importunities laying siege to the Minister of the day; you would hear him cry out,

"*Shut, Shut the door;*——————————

"*Tye up the knocker;—say I'm sick, I'm dead.*"

Is it *constitutional* to make Parliament usurp any department of the Supreme Executive Power? and what is more essential to that Power than to chuse its own executive instruments? *Mr. Justice Blackstone* writes, that, "if the Legislature has any thing to do in the Executive appointments, there can be no public liberty." What then shall be said of this Bill, by which the King's Throne has been shaken

to the centre, and that popular centre of it which is inseparable from public freedom? He not only must not chuse the *new* Directors (whom *He* should appoint, if the future choice of them is to become an act of State); but he is never to chuse a Minister again, or to *remove* a Minister, if *the voice of the People* should cry aloud for this act of his Regal capacity.

Here, my Lords, I again refer to one of your own Records, for the language of the Constitution. It is impossible to mark with half *your* eloquence the danger of lodging *Regal* power in *Parliamentary Commissioners*—upon this very topick of *Indian reform.*

May I look, my Lords, at many a *future* Minister, and at many a *future* Parliament, if such inordinate power is given to *these*, and so blind a confidence reposed in them? Looking at such *distant* objects, may I not imagine a *modern Cato* seduced by a Bill *of this kind* into absolute power; and a *modern Juba* by the side of him, dressing him in his *Perpetual Dictator's* robe? I'll "stand, or fall by this great man," his Friend may say of him—"live, or die with *him*"—in the act of making him, as a Minister, immortal;—though he would think twice, before he would follow him to *Utica*. May I not, contemplating this Minister *in embryo*, take bolder liberties with *fancy* and *conjecture*?—May I not *suppose* a Minister who can forget that he has ever been *Sir Thomas Wentworth*, and may personate the *Earl of Strafford*, without his title, in the

House of Commons, a fort in which he may laugh at the public resentment? May I not meet upon my pillow, in some *feverish* dream or other, a bold, intriguing, able partizan, for whose *benefit* (if it may be so called) *slaves to a Court* and a *virtuous Aristocracy* may agree to melt in the same crucible together? If a Minister so formed should ever come to light, and I could live to see him in the last moment of his *political existence* (which of course would be the last moment of his *life*), I would say to him, not in words of my own, but in those of a romantic Poet, though writing in prose; I would say to him, as *Cowley* addresses *another* Protector of human rights in his famous Vision upon *Oliver Cromwell*:

"Such Protectors are men to their sheep: they sell them, shear them, and eat them! What can the wolf do more?"——

——"You pretended freedom for all, and by the help of that pretence made *all* your servants."——

——"You fought against Monarchy, when you declared for it; and when you declared against it, you contrived for it *in your own person*."—

——"Two millions a year could not satisfy your avarice, and prodigality; you must have *the whole Indies* by sea and land; that great Alligator must be yours alone."——

——"You have been commended for your *diligence*. I wish to God you had been a *lazier* person, and had been found asleep when other men are

awake, instead of being found awake for your own ends, when other men are ordinarily asleep."

—"As to your *courage*, would to God that you had not been so *bold* as to violate openly, and *faithfully*, Acts and Constitutions of State!"—

"If you have been *great*, welcome innocent obscurity! I could not wish a heavier curse to fall upon the bitterest enemy of my life, than that his country should say to him,——'Nostrâ miseriâ et servitute *magnus* es'." *

* On the 17th of December the Bill was rejected in the House of Lords, by a division of 95 against 76; and this was followed, in a day or two after, by an entire change of the Ministry.

The Substance of "A Series of Letters to the Right Honourable EDMUND BURKE; in which are contained Enquiries into the Constitutional Existence of an Impeachment against Mr. HASTINGS, 1791;" as epitomized by Mr. HARDINGE in the Twelfth and concluding Letter.

"Nunc, quamobrem has partes didicerim, paucis dabo."
TERENCE.

SIR, *Bedford Square, April* 4, 1791.

THERE is not one of the many astonishing talents, that Nature, in her most partial mood, has given to Mr. *Fox*, which I have so often wished in vain to borrow of him, as the talent of abbreviating, with new force, the substance of an argument previously delivered by himself; but with so little hint of a regular method, and with such variety of detail, that you would little suspect the arrangement, by which the parts of it are divided, or united, as links of a chain.

In general, attempts at an epitome, either, according to *Horace's* comment upon them, "*strain at brevity, and become obscure;*" or they are tiresome repetitions of the *sense*, in passages of detail, if not of the *words*; or, without being short, omit the passages which most require to be impressed.

I shall hope to avoid those *defects*; though I despair to catch the faintest ray of that envied *power*

which in Mr. *Fox* appears to me unexampled, and above all competition.

My first attempt has been, to refute *general principles* which I thought new to the Constitution, dangerous to its freedom, and ready apologies, in worse times, for the Law of Tyrants in the House of Liberty;—for a *discretion*, which is an abuse of the term, because it is blind and unlimited;—for discord between the *Accuser* and the *Judge*;—for endless confusion between *rules* and *principles*, between *expediency* and *right*, between *Legal* and *Constitutional*;—for converting Public Assusers, and an open Trial, into a scene of insult, and of torture, which the purest virtue could not escape.

Combating these principles, with an impartial zeal for truth, but with a different spirit, I have separated the *reasons* from the *eloquence* that clothed them in a Robe of Magick, which not only adorned, but consecrated them. Ingenuously wishing to deprive the *argument* of no weight that was due to it, I have caught, perhaps, the mere *points* of it, their *substance*, *arrangement*, and *connexion*, though in a very few lines.

Protesting against the competency of an inference to what is *just*, from what is *expedient* (though we are told that *convenience* is *justi propè mater*), I have yet answered this popular challenge, putting several cases (none of them, I hope, extravagant), in which the *continuance of Trial by Impeachment, after a Dissolution of Parliament*, would strike with infinite prejudice at the Liberty of the Subject,

and with a death's-blow at the Accuser's discretion, which is an essential part of his right, and of his trust;—would enable the King to guard his Minister with less indecorum, and would give him a more ample field of power, in the persecution of a meritorious Culprit.

I have then grappled, as well as I could, with all the other topicks, in support of this vote, arising from the nature of Parliament, and from the nature of Impeachments. I have met, and resisted, the *new* doctrine of a Parliament *asleep*, and *wakened* by the King; the *inherent* right of a Peer (equally *new*) to demand, *without ceremony*, his Judicial character, as being inseparable from his *Robe*, in the House of Peers;—the *Legal organ* of the *People*, in their function (or "*privilege*") of Accuser, which is alive, it seems, and has a pulse (like Swallows in the Winter) between one Parliament and the next, be the interval ever so long; the comparison of this *Legal organ* to an *Attorney General*;—and the right of Impeachment, considered as *Privilege*. Here too I have sustained, as I hope, (not against *ridicule*, but against any just imputation) a doctrine, which I avow to be a rooted part of my Political Faith and Creed; "That, by the Constitution of this Government, the Commons of *England*, in Parliament assembled, have an independent mind, instead of being *Agents*, in any sense of the term, either to their Local Elector, to the Constituent at large, to the people out of doors, or to another House of Commons; that it is the duty of their Seat, and

Representative Character, to act for the general and real interest of that Popular claim upon the Government, which they personate; but with a sense of honour purely *their own;* with a discretion of *their own;* with a political sentiment of men, or measures, equally *unfettered;* and with such ideas of Constitutional Freedom, as *their own* researches, habits, or feelings, may have prompted them, *bonâ fide,* to entertain, in direct opposition (if their conscience makes it necessary) to the wishes and positive injunction of the Electors, or to the *testamentary* admonition of *departed* Representatives."

And I hold this doctrine to be that of as true a *Whig*, as any in the house of *Cavendish*, *Russell*, or *Bentinck*. I have called upon Mr. *Burke* for *his* countenance to this faith, by the manliest independence of conduct that his public life has ever marked; when, addressing his Electors, he communicated, in better language, the same ideas which, in mine, exposed me to ingenious, but ill-founded ridicule, and, most unfortunately for me, in the most eloquent Speech that has been heard.

I have combated the misapprehension (as I took the liberty of supposing it) which gave to the *Commons of England*, or of the *Realm*, a controul over the *Commons in Parliament*, as Public Accusers, because every Impeachment is in the *name* of them *both;* an illustration, as I conceived, of my own principle; inasmuch as all the authority which is imparted by the *name* of those *prouder* Commons, who are emphatically described, "*of the Realm*,"

is given to their *Subalterns*, the *Commons of Grea Britain in Parliament assembled*, with an absolute power to make use of that *name*, as *their own*. You, Sir, using the "*ardentia verba*" that impress your sentiments with such force upon us, have told us, that we, the Commons, have in ourselves, by something livelier than *Representation*,—by "*express image*," the "*feelings of the Nation*."—That we have, by the Constitution, a *general* credit for those feelings, I admit; but that a sympathy of those feelings animates *all* our measures, or opinions, or principles of Government, is not even our *theoretical* boast:—It happens, for example, that your prosecution of Mr. *Hastings*, in which the sensitive delicacy of honour, that should be *National* as well as *Personal*, was deeply at stake, found the publick at large completely indifferent; I was generally answered, "*we don't care about him*:"—The *distance of the scene* was, in part, the occasion of that indifference; but another and more powerful cause of it was, that pretence for idleness which most of us too readily embrace; this, called itself "*the difficulty of the subject*;" which, to those who were not initiated, was "*chaos and old night*:"—What effect your brilliant perspicuity in developing *Indian* Politicks, complicated as they were, may have produced upon the *National feelings*, better instructed, it becomes not me to say.

I have marked this *independence of character* in the Commons with peculiar anxiety, where it authorized and *obliged* them to disclaim the influence

of their Predecessors, to refuse their most consummate acts, either passed *without* the assent of the other Estates, or *with* it, if to any conceivable extent short of the Legislative Power.

I have traced the same character as extending itself to orders of any kind;—even to orders for the support of their *Privilege*, a point in which their Constituents and the *next* House of Commons have an equal interest:—Orders, deliberately formed, and exerted with spirit, but either left incomplete, though in the minutest part of them, or incompletely executed. I have reminded the publick of that jealous Constitution, that will not *suffer* the next House of Commons to disgrace their calling, by a confidence in these measures, taken up at the point of their interruption;—or, if they were *in pœnam*, suffer the object of them to be touched *.

I have distinguished the *Commons* in *Parliament* from an *Agent* of any kind, from an *Attorney General* in particular, who may be displaced by a sudden breath of caprice, or of party at least; and who is bound by the acts of his Predecessor, because they

* The idea of a Septennial change in the Representatives does not originate in the supposition of a National judgment that will influence the *old* and the *new* alike; but in the direct reverse—in the policy of changing the men, by way of guard against their abuse of power. Minorities and majorities are often transposed by this general appeal to the Elector, and the legatary interest of an Impeachment against Mr. *Pitt*, if there had been such a measure, it would have been perfect ridicule to name, with a reference to this *Organ of the People*, &c. at the opening of the last Parliament.

are both of them treated as mere *Agents* of the *King*, who has bound *himself* by the *words*, or the *acts*, of his *Agent* for the time.

I have stated what appears to my understanding the soundest argument that can be offered upon the *general principle*, as resulting from the *course* of *Parliament*;—a variety of instances, amounting, in their number and value, to a *general principle*;—"That no chain of proceeding can be taken up, and continued, by either House of the Legislature, in a Parliament that is new, though in points of the most critical importance to the welfare and safety of the Kingdom."

I have traced the *admitted* rule as to *Bills* which had passed *both* Houses of Parliament; and I have traced it, not as an *exception*, or as a technical rule, *stricti juris*, and with an obscure origin; but as a marked illustration of the *general principle*, which is raised upon many *other* instances of a similar nature; indeed, upon *all*, this of Impeachment alone excepted—if it *is* an exception.

I have argued as forcibly as I could, because it was in support of an honest opinion, from a *Bill of Attainder*, where the Culprit of State is, in a peculiar degree, an object of natural punishment; where the Commons unite a Judicial to a Legislative character; where the recourse to *Bill*, proves it the *only* way to reach the Culprit, for offences which may touch the vital security of the Government. I asked, and I ask again, if Mr. *Hastings* had been a favourite Minister of another Sovereign, of *Charles the*

Second, for example; and if the *Legislative Trial* had lasted, as it might have done, for *three years*; what an easy task would the *admitted* Constitution have put into the hand of that Sovereign, just after the Lords had passed the Bill, to end the Parliament, and close that proceeding for ever?

Having thus cleared my way, *first*, of the *general principles*, either as introductory guides to the Debate, or as bearing directly upon the Constitutional sense of a depending Impeachment—I have *next* followed you into the *usage* of Parliament, which is an admitted and essential part of its *Law*.

I have adjusted here, the *onus probandi*; insisting, that, as the continuance of Impeachment *after evidence heard* by a former court of the Peers, has *never* happened *in fact*; and as *any* continuance of it must be a perfect *anomaly*, with a reference to the *general principle*; it was for *them* who affirmed that continuance, to fill up this blank, by evidence of, at least, indirect and collateral usage, whose analogy would reach the case before us.

I have touched upon the Political argument of disabling a Minister to elude an Impeachment; and have reversed the hypothesis, by that of a King adverse to a popular Culprit, a discarded Minister for example, and at the head of a powerful Opposition, in a corrupt House of Commons;—the Accuser tired, or frightened, by the popular clamour—the evidence closed on both sides—the Dissolution of Parliament by an obvious finesse ensuring his punishment at a future and more *commodious* period, "*with all appliances, and means to boot.*"

I have protested against the unequal and partial justice, which is, in other words, no justice at all, of imputing to the Commons an exemption from the human accidents of Despotism, Intrigue, and Corruption;—but, giving the monopoly of those infirmities either to the Sovereign, or his Minister. Here, as in many other parts of the work, I have taken pride in the idea of a tempered authority, in which a mutual and jealous vigilance against the abuse or assumption of right guards *all* the power of Government, and is the best of all securities for the governed *.

I have barely touched upon the analogies of Law, in other, and, as they are called, *inferior* Courts: because I knew how shy the *Layman* is (unless when he has *Political* occasion for them) of these analogies, and because I really did not feel that I wanted them, unless where the most obvious good-sense annexed and united them to the Law of Parliament, so as to make them in principle one and the same.

I have marked the necessity of consulting *Precedents*, and of consulting them *deeply*; refusing the paradox which called itself by the name of "*Privilege;*" and confined the inspection of *Journals* to the House of Commons, in which no *Judicial Precedent* could be found.

I have compared the two Precedents of 1678 and 1685, summarily at first, but extended the enquiry

* "Pour qu'on ne puisse abuser du pouvoir, il faut que dans la disposition des choses *le pouvoir arrête le pouvoir.*" MONTESQUIEU.

as to both, into the character of the age in which those Orders respectively issued.—I have examined, historically, the actual view and use of the Order 1678, followed and preceded by various acts of cruel injustice, leveled at the Earl of *Danby* in Parliament. In short, I have proved, as I think at least, the whole system of those transactions Political and corrupt, or, at the best, as having passed in times that could almost be described "*flagrante bello.*"

I have met the *new* argument; *new*, I mean, as facing the light, which has built *the Order of* 1678 upon a supposed analogy to that of 1673. The Reader will judge for himself upon this refined analogy, after the dissection of it which I have taken the liberty of presenting to his view.

I have discriminated the effect of Impeachment upon the discretion of Bail in "*the Courts below*" (as we, Members of Parliament, call them); an effect which has been argued as proving—"the continuance of Impeachment, even in the eye of the *Law*, when Parliament is no more."—I have explained in what respect this right of bailing is *neutral*, and in what other views it rather *injures* than *aids* the supposition of a "*depending Impeachment.*"

I have stated the case of *Blair* and the Catholic Peers in 1690, with all the candour and particularity that could best enable the Reader to form his own conclusion.

I have admitted the force of the argument, *as far as it goes*, resulting from the *Order of* 1701, with a view to the Duke of *Leeds*; but I have limited the extent of it by the natural effect of the *Judicial Acts*

preceding it;—and I have at least, as I hope, replaced the authority of those *Judicial Acts* by Lord *Oxford's case*, upon the footing of its reference and analogies.

I have made a short, but, I hope, superfluous apology, for that liberal and useful profession, which I consider (though few have gratified ingenuous ambition less in it than myself) as the most honourable part of my existence; and which, as a Relation of Lord *Somers* told you, with as much truth as manliness—*gave to us the Revolution.*

I have next offered, and perhaps obtruded, an independent, as well as cordial testimony, to *your* public spirit—that of the Minister—of the Parliament—and of the *age*—in this prosecution of Mr. *Hastings.* I have commended Impeachments in general, with a zeal which I *felt;* but I have taken the liberty of adding, what I consider as the *demand* of an Impeachment upon the Accuser and the Judge, in their *mode of conducting it*, with a view to the *National Honour*, and even to the *Political Wisdom*, at stake in it.

Forgive, Sir, this attempt at a general review of my own argument, contained in these Letters to you; an attempt which I have made for the purpose of convincing, in a few words, those who are familiar to the Debate, that I have taken up *most* of the topicks, if not all of *them*, which had been pressed into the argument there; and, at the same time, in order to delineate what appears to me a correct method of treating the subject, in point of arrangement.

Your character, Sir, is really so eminent in fame of more kinds than one, that it would be a degree of impertinence for *me* to commend it. On the other hand, there is nothing more disingenuous than violent or unqualified praise: though to expatiate on the faults of a celebrated person is at once invidious and mean. I hope it will be admitted that I have treated your public name with respect;—the obligations of the publick to many of your efforts, with gratitude;—and the purity of your intentions, in which I have always confided, with esteem: but without prejudice to that ingenuous freedom which enables *me* to oppose many of your sentiments, whether exemplified in your words, or in your conduct.

From the Reader (if I *should* be *read)* I am the most anxious to obtain this comment upon my work;—"That I have written as I thought, and felt;—that I have stated the adverse arguments to my own, with candour;—that I have not been flippant against any of those with whom I have differed;—or ill-tempered;—or too confident in the result of my own enquiries." If he should then tell me, "that I have been fortunate enough to rescue the *minority* of December 23, 1790, from a current opinion of their distress for the want of liberal or Constitutional support; and that I have opened the subject *fairly* to a dispassionate review;"—I shall be overpaid for the time these enquiries have occupied, and for the painful solicitude of the mind engaged in them.

I have the honour to be, &c. GEO. HARDINGE.

*** Having been charged, by Major *Scott*, with Inconsistency in his Sentiments respecting Mr. *Hastings*, and of Illiberality in his Treatment of that Gentleman; Mr. *Hardinge*, in an Appendix to his Second Edition, thus replied:

April 20, 1791.

MAJOR SCOTT, in the *Diary* of *Monday* the 11th of this month, has represented that I used the words "*that Culprit*," page 3 of the preceding Letters, with a purpose to convey an insult upon Mr. *Hastings*.

In justice to myself, I declare, upon my honour, not only that I had no such purpose in the use of those words, but that I had not the conception of its being possible for them to be so interpreted.

By the word *Culprit*, I meant the very description which the word itself imports—that of *a party accused, and put upon his Trial;* nor am I aware of any other single word that marks the same idea with such punctual accuracy.

The same *Correspondent* informs me, that I have, in these Letters, expressed my fullest conviction of Mr. *Hastings's* guilt.

There is not one passage in them relative to him, that conveys more against him, than my opinion that his Impeachment was just upon the *ex parte* evidence; and that his Trial *should* proceed, if the Parliament *could* resume it.

Another charge against me is—that, before Mr. *Hastings* was impeached, I thought as highly of him, as the general panegyric of his character, to which an allusion has been made, imports; and that,

I was *then* a perfect master of *all* the facts upon which *alone* the Impeachment against him was afterwards built.

The *very* Letter to Major *Scott*, which, as he tells the publick, was written by me, and in the very part of it *which he has quoted himself*, explains my own judgment of the *superficial* knowledge which I had then acquired of *Indian* Politicks; by telling him what I had thought of Mr. *Hastings* ever since "*I dipt*" into those Politicks:—and I assert, that most of the facts upon which the Impeachment was built, were new to me, till they were laid before me by the Accuser;—particularly in the first charge respecting the *Rohilla* war; upon which I voted, and spoke, in support of an Impeachment, against the general prejudice of my former enthusiasm for the character of the person accused;—this, too, in a minority, and against what I knew to be the Minister's opinion.

I am accused of asserting that which is not founded in truth, when I marked in these Letters, page 173, my *uniform opinion*, that Mr. *Burke* had most ably selected Mr. *Hastings* as the object of an Impeachment.

The *uniform opinion* to which I allude, is that which I have preserved ever since the question of Impeachment; and the materials of it were laid before me as a Member of Parliament. In other words, I did *not* mean the *absurdity*, as well as the *falsehood*, of stating, that I thought Mr. *Burke* had most *ably selected* Mr. *Hastings* as the object of an *Im-*

peachment, before that selection was announced or insinuated by him; and consequently, I *could* not refer to an opinion of mine, "that he had *ably* chosen this *mode of Trial*," at any *one* of the periods to which Major *Scott* has referred me, as an admirer of Mr. *Hastings*.

NOTE of a SPEECH delivered in the HOUSE OF COMMONS*.

MR. HARDINGE said, he addressed himself to the House, not as presuming to hope that he could add a single word, of any importance, to what the Noble Lord *(Beauchamp)* had impressed upon those who heard him, with all the weight of his abilities and character—nor, as presuming to hope that he could *answer* the animated Speech of the Honourable Member (Colonel *Maitland)*, who had resolved *his* opposition to the *measure* into a dislike of the *Minister*—nor as presuming to hope that he could *answer* that paradox of a Noble Earl (Lord *Wycombe)* which had intimated the opinion, that "because *Holland* (as the Noble Earl thought) had misconducted herself to *us*, we should break our treaty with *her*;"—nor as meaning to debate the expediency of Peace and War, a topick not only irrelevant, but mischievous. He had risen, impelled by

* This is the only Parliamentary Speech preserved in the Author's hand-writing.

the subject immediately and singly at issue, to give, in the most unequivocal and clear manner, his own sentiments upon the necessity for such a Bill, and upon the Bill itself.

He had once hoped (he said) that, instead of the *animated* opposition which this Bill had already encountered, and the *able* opposition it was likely to encounter, he should attest, in support of it here, not a *bare* unanimity, but the most cordial that Parliament had ever known.

It was, in *his* view of it, a measure prompted by a just impression of an alarm, and peril, *universally felt*, and prompted as a defence, not only of the Executive Government for the day, but of those *Rights* which every ingenuous mind, whether upon *this* or upon *that* side of the House, was in the habit of cherishing the most—the defence of *Liberty* and *Religion* (to say nothing of *Property* and *Life*, in comparison) against *Incendiaries abroad*, conspiring with *Incendiaries at home*, to destroy, in one flame, every order of Government, Ecclesiastical or Civil, in our Constitution.

He had once hoped that Opposition would come forward, as one man, at such an aweful crisis of National danger, friends and auxiliaries to the Executive Government, without prejudice to their dislike of the Minister's conduct, or of the mode in which he was appointed, and without prejudice to their general hope of continuing together, a *phalanx* against him—a phalanx, by the way, a little more *compact* than it has been, which may be an advan-

tage to it. He had hoped they would say as a *party* what some of them had said as *individuals*, when they seceded from the rest—"We dislike the Minister; we like ourselves better (a very natural preference!): but *we support the Minister, to defend the Country*." Such were the emphatical words of a Noble Marquis (Lord *Titchfield)*, and they were to his immortal honour.

He had hoped that such of the party at least as had signed papers confessing the existence and prevalency of opinions dangerous to the Government, would confess the same *fact* in Parliament—that such of them as were *Friends of the People* would be anxious to exculpate the popular character in *this* Kingdom from the *original sin* of those leveling opinions, assigning it, as they could with more truth, to the imported artifice and money of the Continent. That, confessing the danger, and the cause of the danger so qualified, they would either support this Bill, or suggest a wiser and a better.

In all these hopes he had been cruelly disappointed; and he was timid enough, animated as the Loyalty of Associators had been, to lament, as a disadvantage to the public interest, a Right Honourable Gentleman's (Mr. *Fox's)* persevering opposition to this indispensable measure.

That as to the Bill, if it *had* a fault, as he thought it had, it was the fault of *inadequacy*, not *excess*, in the powers given to the Executive Government—that he had, in the Committee, entered his protest against the exception of Alien-Merchants from the

power to send mischievous Aliens out of the Kingdom, and had been fortunate enough to see that exception removed.

If *Quarantine* was thought expedient upon the *apprehension* of *plague* before the suspected vessel could land her goods—if, by the Law of Nations, we can send even a ship in distress by cannon from the shore when plague infests her cargo—how infinitely more expedient is the safeguard of this Bill against the most infernal pestilence that ever scourged the human race—the *faith and profession of Anarchy*, not *apprehended*, but *known* to be imported every day from the Continent.

END OF THE FIRST VOLUME.

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